

Admissions Policy, Student Financial Aid and Enrollment Management Committee

Membership

Chair: Corry, Michael, Education Technology
Marroquin, Jaime, Spanish
Mohamed, Mohamed A., Newborn Services
Smith, Carol, Pathology
Ullman, Daniel, Mathematics
Zderic, Vesna, Electrical and Computer Engineering

ex officio:

Amundson, Elizabeth A., Registrar
Chernak, Robert A., Senior Vice President for Student and Academic Support Services
Johnson, Diana E., Biological Sciences, Executive Committee Liaison
King, Crystal, Manager Gelman Library System Financial Services
Lehman, Donald R., Executive Vice President for Academic Affairs
Napper, Kathryn, Director of Undergraduate Admissions
Rypkema, Geri, Director, Office of Graduate Student Support
Small, Daniel, Director of Student Financial Assistance
Williams, Kristin, Director, Graduate Student Enrollment Management
Wollner, Kim, Student Liaison

May 2009 Final AY Report

There have been no items on the agenda of the Admissions Policy, Student Financial Aid and Enrollment Management Committee during the 2008-09 Academic Year. However, the committee met twice during this time period. During the first meeting there was a presentation from Kristin Williams, Assistant Vice President of Graduate Student Enrollment Management, regarding graduate student admissions and enrollments. During the second meeting there was a presentation from Kathryn Napper, Executive Dean of Undergraduate Admissions, regarding undergraduate admissions and enrollments. Following both of these presentations there were lengthy question and answer periods followed by discussions.

FACULTY SENATE COMMITTEE
on
APPOINTMENT, SALARY, AND PROMOTION POLICIES
Annual Report (2008-09)

The ASPP Committee held five meetings during academic year 2008-09. In addition, one subcommittee of the ASPP committee held a number of meetings during the year. Here are the major issues considered this year:

Peer Review of Faculty Teaching

A joint subcommittee of ASPP and PEAFF (Professional Ethics and Academic Freedom) was formed to review GW policies and practices for assessment of faculty performance. Members of this subcommittee from ASPP were Carol Hayes (First Year Writing Program), Ellen Dawson (Nursing Education), and Eugene Abravanel (Psychology). Members from PEAFF were Kurt Darr (Hospital Administration) and Maria Cseh (Human and Organizational Learning), who was on sabbatical during the 2008-09 academic year but had been involved in the preceding year.

There was an extensive discussion of the issues included under the broad heading of "faculty assessment," in which PEAFF Chair Charles Garris participated. Based upon the discussion, the ASPP Committee narrowed the subcommittee's charge and asked it to concentrate on peer review of faculty, rather than the full range of issues associated with faculty assessment. It is the Committee's understanding that broader issues of faculty assessment will be undertaken by the Faculty Development Committee.

During the year, the subcommittee developed a series of questions to ask Department Chairs (and Deans in those Schools without departments) as its method of gathering information. Altogether 90 academic units were surveyed, 40 of them in CCAS. The departments were promised anonymity in the hope that the Chairs would be more forthcoming than might be the case if their Deans would eventually see the Chairs' reports to the subcommittee. The subcommittee members have begun receiving replies from those surveyed, but had not received enough by ASPP's last meeting to make generalizations. They will meet again in May and hope to begin writing up the results at that time.

Feedback to Faculty on Annual Reports

At the January meeting, EVP Don Lehman briefed the Committee on the process whereby faculty should receive feedback on their Annual Reports. With the exception of the Law School and Elliot School, both of which have no departments, all reviews are performed by the department chairs. In Law and Elliot, they are performed by the Deans.

The Chairs/Deans are required to fill out a separate report evaluating each faculty member's Annual Report using the strategic plan of the department/program/school as a bench mark. This report should be returned to the faculty member for the sole purpose of making sure that no factual errors were made by the Chair/Dean. In the case of Chairs, the reports are then sent to the

Dean for comment. Once a Dean has commented on the report, the Chair (or Dean in the Elliot or Law Schools) should meet personally with each faculty member to discuss the Annual Report. Faculty can respond to comments of the Chair or Dean at that meeting. When the faculty member agrees to the report, s/he signs it, and the signed reports ultimately go to EVP Lehman's office for review and filing. There appears to be significant variation among departments and schools as to how well this procedure is followed.

According to EVP Lehman, there is a small percentage of contested evaluations. Some of these may be due to errors not corrected by the Chairs at an early stage in the process. He also noted that raises are determined based on the Annual Reports, but this process is done separately, using a different set of instructions from EVP Lehman's office.

Change in process for deducting certain premium and related deductions. At present, most faculty are paid their salary over nine months. Health and dental insurance premium payments and Flex Fund deductions (medical and child care) are deducted in nine equal amounts. Other faculty receive their salary on a ten, eleven, or twelve month basis. For faculty who choose to have their salary paid on a ten or eleven month basis, the computer system must be adjusted manually to spread these deductions out in equal payments over the year. This has occasionally led to errors, with no deductions made in the summer months. The missed summer deductions are accumulated and then deducted in the fall, with the entire summer's deficiency deducted in the first salary check received in the fall or by some other method that captures the arrears.

To correct for the need to handle some faculty deductions manually and the resulting problems, HRS proposed a nine-month system for all faculty other than those who are paid on a twelve month basis. On the new system, the health, etc., deductions for ten and eleventh month faculty will be made in January-May and September-December, with no deductions in the summer months. The twelve month deduction schedule for faculty paid on a twelve month basis remains unchanged.

Report on Faculty Salaries. EVP Don Lehman reported to ASPP on faculty salaries twice this year. In the fall, he walked the Committee through the final 2007-08 figures situating GW salaries against the AAUP 80th percentiles and the University's "market basket" schools. Funds were found to bring all three ranks up to (or above) the 80th percentile. Associate Professors were in the 85th percentile. Some GW salaries exceed those at market basket schools, but EVP Lehman estimated that it would take more than \$5 million for GW to be at the mean of the market basket schools and \$6.4 million to be at the median. EVP Lehman reported on these figures to the Faculty Senate.

At ASPP's last meeting of the year, EVP Lehman distributed the salary figures for 2008-09. He noted that Full and Associate Professors improved from the preceding year, but Assistant Professors dropped slightly below the 80th AAUP percentile. It will take \$38,130 to move them to the 80th percentile, which he will do. He also noted that Full Professors were ranked 11th among the market basket schools; Associate Professors, 6th; and Assistant Professors, 10th. It

would take slightly less than \$5 million to be at the market basket mean, and over \$5 million to be at the market basket median. These charts are attached.

EVP Lehman also distributed a chart (attached) showing GW salaries broken down by gender and he noted that the University's gender equity efforts have worked. There were three salary challenges during the year, but there were no changes made as a result of the challenges.

Retirement Plans

Human Resources/Benefits has decided to contract with Fidelity Investments to provide management and related administrative functions regarding all three employee retirement plan options (TIAA-CREF, Vanguard, and Fidelity). This means that Fidelity will be responsible for paperwork that requires the statistics for all three retirement plan options to be combined for reporting purposes. Since the three companies do not keep their records in a consistent manner, Fidelity will assume responsibility for merging the information in a consistent way for reporting purposes. Although the vast majority of GW employees use TIAA-CREF, that company did not have the capacity to perform this function. Vanguard does have the capacity, only to a lesser degree than Fidelity does, and it would not put all of Fidelity's funds on its platform. Since one purpose of the change is to give GW employees one-stop shopping, *i.e.*, a single web site to access all their accounts, Fidelity was chosen. TIAA-CREF will continue to administer transfers among its own funds. There will be no increased costs or fees from the new arrangement with Fidelity.

At ASPP's March meeting, VP Val Berry (Human Resources) and John Rose, Director, Employee Benefits Administration, told the Committee that to facilitate the change, there would be a blackout period lasting approximately one month, starting March 20th. (The blackout period was postponed, however, until the fall.) At the April meeting, Jennifer Lopez, the newly appointed Executive Director of Tax, Payroll, and Benefits Administration, told the Committee that Benefits will be reviewing the Fidelity contract this summer to assure that it will achieve the efficiencies and improvements that led them to design the new arrangement in the first place. In addition, Benefits (which will no longer be under HR) will undertake a "robust communication effort" to improve the information flow to faculty and staff. Among other things, communications will now highlight especially important information and also tailor the information sent to the needs of different audiences. For example, those who invest their retirement assets with TIAA-CREF do not need to receive the instructions for those who direct their funds to Vanguard or Fidelity.

Respectfully,
Miriam Galston, Chair
ASPP
May 5, 2009

TABLE 1

2008-09 GW Regular Faculty (Continuing and New)

	Professors		% Chg	Assoc		% Chg	Professors		% Chg	Asst		% Chg	Overall Average Salary		% Chg	% Chg in \$
	2007-08	2008-09		2007-08	2008-09		2008-09	2008-09		2007-08	2008-09		2007-08	2008-09		
Columbian College	112,487	118,801	3.9%	77,881	80,854	4.2%	88,348	88,348	4.2%	86,801	88,348	4.2%	86,410	90,187	4.4%	1.6%
Education	110,559	113,789	2.9%	80,321	81,872	1.9%	84,088	84,088	1.7%	83,042	84,088	1.7%	84,778	87,036	2.7%	5.9%
Elliot School	118,857	127,545	7.2%	85,234	88,803	4.1%	88,803	88,803	7.1%	73,427	78,613	7.1%	86,525	107,963	8.5%	16.3%
Engineering	131,453	136,659	4.1%	102,237	105,836	3.2%	105,836	105,836	3.2%	82,881	83,610	0.8%	110,331	123,516	4.4%	3.0%
Business & Public Mgt	128,278	133,172	5.8%	103,081	112,855	8.8%	112,855	112,855	8.8%	112,064	122,348	9.1%	114,865	122,429	8.7%	1.9%
Professional Studies**	182,510	205,212	6.8%	148,017	164,798	10.8%	164,798	164,798	10.8%	85,355	85,355		176,281	180,518	8.1%	9.2%
Law School	136,466	145,949	4.4%	111,288	118,547	6.5%	118,547	118,547	6.5%	82,622	82,622	-0.5%	128,749	130,946	8.7%	3.7%
Public Hlth&Hth Svc																
GWU AALUP SALARY AVG	138,800	134,766	4.5%	82,809	87,899	4.5%	87,899	87,899	4.5%	75,108	75,108	-4.8%				
Columbian College	152	149	-2.0%	120	122	1.7%	122	122	1.7%	140	130	-7.1%	412	401	-2.7%	
Education	19	20	5.3%	27	28	3.7%	28	28	3.7%	17	17	0.0%	83	85	3.2%	
Elliot School	22	25	13.6%	8	12	50.0%	12	12	50.0%	12	8	-33.3%	42	45	7.1%	
Engineering	47	46	-2.1%	13	14	7.7%	14	14	7.7%	18	13	-18.8%	78	75	-1.3%	
Business & Public Mgt	41	35	-14.6%	36	38	8.3%	38	38	8.3%	34	32	-5.9%	111	106	-4.5%	
Subtotal	281	277	-1.4%	204	215	5.4%	215	215	5.4%	219	200	-8.7%	704	692	-1.7%	
Professional Studies					6		6	6		4			0	0		
Law School	42	42	0.0%	25	24	-4.0%	24	24	-4.0%				87	86	-1.5%	
Public Hlth&Hth Svc	24	26	8.3%	14	11	-21.4%	11	11	-21.4%	8	6	-18.7%	44	42		
AALUP Percentiles																
90	140,065	145,020	3.5%	85,577	88,837	3.5%	88,837	88,837	3.5%	81,221	84,778	4.4%				
80	127,482	132,968	4.3%	80,892	83,874	3.8%	83,874	83,874	3.8%	75,518	78,886	4.0%				
70	119,365	124,882	4.6%	84,886	87,312	2.7%	87,312	87,312	2.7%	72,187	74,386	3.0%				
60	115,750	118,809	2.6%	81,878	84,860	3.6%	84,860	84,860	3.6%	68,957	71,945	3.6%				
50	110,208	114,375	3.8%	78,543	81,884	4.4%	81,884	81,884	4.4%	66,989	69,502	3.8%				
40	103,691	108,682	5.8%	75,707	78,488	3.7%	78,488	78,488	3.7%	64,238	66,642	3.7%				
30	98,351	102,809	4.3%	72,239	75,456	4.5%	75,456	75,456	4.5%	61,825	64,222	3.9%				
20	92,815	97,807	5.8%	69,433	72,517	4.4%	72,517	72,517	4.4%	59,646	61,836	3.7%				
10	85,638	91,841	7.4%	66,328	69,542	4.8%	69,542	69,542	4.8%	56,817	59,071	4.3%				
GWU overall 2008/09	134,766	81.4		87,899	84.7		84.7	84.7		75,108	75.8					
\$ to AALUP 80th		(\$597,195)			(\$1,005,056)						\$38,130					

* Excludes instructors and clinical law faculty.

** Data for CPS are incomplete where n<3 (2007/08 excludes 1 professor, 2 assoc; 2008/09 excludes 2 professors, 2 assoc)

[a101.1146]

IR 4/21/09

TABLE 2

AAUP FACULTY SALARY AVERAGES for MARKET BASKET SCHOOLS

(Ordered by 2008-09 overall average)

	Professors	Assoc	Professors	% Chg	2007-08	% Chg	2007-08	Assoc	Professors	% Chg	2007-08	Asst	Professors	% Chg	2007-08	Composite	% Chg	% Chg
	2008-09	2007-08	2008-09		2007-08		2007-08	2008-09	2007-08		2007-08	2008-09	2007-08		2007-08	2008-09		% Chg
NEW YORK UNIVERSITY	170,700	102,900	103,700	5.1%	102,900	1.1%	103,700	93,500	90,300	1.1%	90,300	93,500	90,300	3.5%	131,819	137,835	4.6%	5.7%
DUKE UNIVERSITY	181,200	102,500	107,300	5.9%	102,500	4.7%	107,300	91,800	87,300	4.7%	87,300	91,800	87,300	4.9%	125,717	132,703	5.6%	10.2%
NORTHWESTERN UNIV	161,800	100,500	105,300	5.3%	100,500	5.3%	105,300	83,500	87,800	4.8%	87,800	83,500	83,500	6.4%	124,157	130,872	5.2%	8.7%
WASHINGTON UNIVERSITY	159,300	98,400	98,500	5.8%	98,400	5.8%	98,500	85,000	80,000	0.1%	80,000	85,000	85,000	6.3%	119,400	126,359	5.9%	8.4%
GEORGETOWN UNIV	155,900	95,400	101,000	4.9%	95,400	4.9%	101,000	80,500	75,600	5.9%	75,600	80,500	80,500	6.5%	114,568	121,350	5.9%	8.1%
EMORY UNIVERSITY	153,400	93,400	100,500	4.2%	93,400	4.2%	100,500	84,100	78,800	7.8%	78,800	84,100	84,100	8.8%	112,798	119,822	6.1%	1.3%
UNIV of SOUTHERN CAL	145,000	93,800	95,800	3.5%	93,800	3.5%	95,800	86,700	85,000	2.0%	85,000	86,700	86,700	2.0%	114,875	117,323	2.3%	8.0%
VANDERBILT UNIV	145,900	91,000	93,500	4.0%	91,000	4.0%	93,500	72,500	69,500	2.7%	69,500	72,500	72,500	4.3%	108,542	112,086	3.3%	10.1%
*** GW***	134,700	92,800	97,000	4.8%	92,800	4.8%	97,000	78,700	75,100	4.8%	75,100	78,700	78,700	4.8%	102,923	108,474	5.4%	3.9%
BOSTON UNIVERSITY	135,700	86,000	91,200	6.7%	86,000	6.7%	91,200	78,400	71,000	8.0%	71,000	78,400	78,400	7.8%	97,930	106,328	8.6%	-2.2%
UNIVERSITY of MIAMI	132,800	83,000	86,200	8.2%	83,000	8.2%	86,200	79,500	76,600	3.8%	76,600	79,500	79,500	3.8%	101,178	104,939	3.7%	6.7%
SO METHODIST UNIV	127,500	84,100	88,800	2.5%	84,100	2.5%	88,800	82,800	78,500	5.8%	78,500	82,800	82,800	5.8%	98,524	102,463	4.0%	8.8%
TUFTS UNIVERSITY	128,000	90,200	95,300	4.3%	90,200	4.3%	95,300	87,800	73,300	5.7%	73,300	87,800	87,800	3.4%	97,278	102,339	5.2%	5.8%
AMERICAN UNIVERSITY	142,800	88,900	92,600	5.0%	88,900	5.0%	92,600	87,800	87,000	4.2%	87,000	87,800	87,800	-0.4%	92,798	96,303	3.8%	8.0%
TULANE UNIVERSITY	125,800	82,400	83,400	5.1%	82,400	5.1%	83,400	85,200	84,100	1.2%	84,100	85,200	85,200	-1.4%	88,729	92,086	3.6%	-34.4%
*** GW***	134,700	92,800	97,000	4.8%	92,800	4.8%	97,000	78,700	75,100	4.8%	75,100	78,700	78,700	4.8%	102,923	108,474	5.4%	3.9%
AAUP 80th percentile	132,989	89,682	93,074	4.3%	89,682	4.3%	93,074	78,888	75,818	3.8%	75,818	78,888	78,888	4.0%	(699,260)	(1,587,211)		
\$ to AAUP 80th	(600,657)	(712,480)	(1,005,056)		(712,480)		(1,005,056)	38,502	183,964		183,964	38,502	38,502		9	16		
-n to AAUP 80th	5	8	11		8		11	0	(2)		(2)	0	0		9	16		

MARKET BASKET DATA

MEAN of the schools	148,143	92,143	95,793	4.9%	92,143	4.9%	95,793	81,057	77,707	4.3%	77,707	81,057	81,057	4.3%	109,138	114,444	4.9%	
\$ to Market Basket Mean	3,970,721	(111,965)	(308,982)		(111,965)		(308,982)	487,899	597,003		597,003	487,899	487,899		5,108,892	4,835,940		
-n to Market Basket Mean	(27)	1	3		1		3	sum of the \$ per rank =	(8)	sum of the \$ per rank =		(8)	sum of the \$ per rank =		(47)	(42)		
MEDIAN of the schools	145,450	92,200	95,550	3.7%	92,200	3.7%	95,550	81,700	77,550	5.4%	77,550	81,700	81,700	5.4%	110,869	114,711	3.7%	
\$ to MB Median	3,730,250	(86,000)	(371,200)		(86,000)		(371,200)	821,000	581,050		581,050	821,000	821,000		8,387,212	5,051,970		
-n to MB Median	(28)	1	4		1		4	sum of the \$ per rank =	(7)	sum of the \$ per rank =		(7)	sum of the \$ per rank =		(58)	(44)		
Other Local Schools	124,900	82,800	83,700	-1.4%	82,800	-1.4%	83,700	89,400	88,900	0.7%	88,900	89,400	89,400	0.7%	91,518	90,883	-0.7%	2.8%
GEORGE MASON UNIV	133,400	89,500	94,900	4.8%	89,500	4.8%	94,900	83,400	78,800	5.8%	78,800	83,400	83,400	5.8%	105,487	110,239	4.5%	7.0%
UNIVERSITY of MARYLAND																		

\$ excludes GW.

Source: AAUP Academic

TABLE 3

2008-09 Median Salaries for GW *Regular Faculty (Continuing and New)

Table 3

	2007-08	Professors 2008-09	% Chg	Assoc 2007-08	Professors 2008-09	% Chg	Asst 2007-08	Professors 2008-09	% Chg
Columbian College	102,598	106,495	3.8%	76,643	79,549	3.8%	64,456	68,451	6.2%
Education	106,916	112,085	4.8%	79,525	79,506	0.0%	63,606	64,000	0.6%
Elliott School	103,308	111,343	7.8%	76,444	86,803	13.6%	70,782	75,240	6.3%
Engineering	125,805	131,832	4.8%	100,841	102,761	1.9%	93,017	95,000	2.1%
Business	119,550	122,650	2.6%	101,400	108,000	6.5%	107,550	116,350	8.2%
Law School	185,800	202,610	9.0%	152,275	163,878	7.6%			
Public Hlth&Hlth Svc	142,732	147,621	3.4%	96,110	94,320	-1.9%	77,334	80,395	4.0%
Total**	114,571	118,525	3.5%	83,496	86,027	3.0%	68,799	70,572	2.6%
Columbian College	148	143	-3.4%	119	122	2.5%	140	129	-7.9%
Education	19	20	5.3%	27	28	3.7%	17	17	0.0%
Elliott School	20	23	15.0%	8	12	50.0%	12	9	-25.0%
Engineering	47	48	2.1%	13	14	7.7%	16	13	-18.8%
Business	40	34	-15.0%	36	39	8.3%	33	32	-3.0%
Subtotal	274	268	-2.2%	203	215	5.9%	218	200	-8.3%
Law School	41	41	0.0%	25	24	-4.0%			
Public Hlth&Hlth Svc	24	26	8.3%	14	11	-21.4%	6	5	-16.7%
Total	339	335	-1.2%	242	250	3.3%	224	205	-8.5%
2008-09 Quartiles	Q1	Q3	Range	Q1	Q3	Range	Q1	Q3	Range
Columbian College	94,659	123,187	28,528	75,096	87,125	12,029	61,911	73,045	11,134
Education	101,016	121,558	20,542	70,984	86,742	15,758	57,260	66,317	9,057
Elliott School	102,602	146,935	44,333	76,236	88,198	11,962	70,000	85,243	15,243
Engineering	114,819	150,009	35,190	98,938	112,267	13,329	89,500	96,600	7,100
Business	113,200	139,000	25,800	100,700	124,200	23,500	102,250	142,550	40,300
Law School	179,750	229,270	49,520	146,080	180,551	34,471			
Public Hlth&Hlth Svc	119,453	175,870	56,417	85,639	134,517	48,878	73,335	85,890	12,555
Total	103,715	153,837	50,122	77,708	104,677	26,969	63,000	86,423	23,423

* Excludes University Professors, CPS, instructors, clinical law faculty, SMHS and cells with fewer than three faculty.
CPS is included in the median totals but not listed specifically due to small cell sizes.

IR 4/21/09

[a151.N193]

AAUP FACULTY COMPENSATION AVERAGES for MARKET BASKET SCHOOLS

(Ordered by 2008-09 overall average)

[a305.1358]

	Professors	Assoc.	Professors	% Chg	Asst	Professors	% Chg	Composite	% Chg	% Chg
	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09
NEW YORK UNIVERSITY	215,100	228,100	136,000	137,500	118,900	124,100	174,417	182,381	174,417	182,381
NORTHWESTERN UNIV	195,100	205,100	132,500	138,600	116,400	123,800	180,089	188,189	180,089	188,189
DUKE UNIVERSITY	186,300	198,700	128,000	133,800	107,000	111,800	155,388	163,708	155,388	163,708
UNIV of SOUTHERN CAL	185,800	187,500	131,000	129,400	119,300	117,200	155,488	154,472	155,488	154,472
WASHINGTON UNIVERSITY	184,200	190,000	117,800	118,500	104,000	100,400	145,068	154,393	145,068	154,393
EMORY UNIVERSITY	187,200	193,200	122,200	130,500	105,800	111,100	145,814	153,173	145,814	153,173
GEORGETOWN UNIV	181,900	190,500	118,400	125,400	93,100	98,500	140,889	149,083	140,889	149,083
VANDERBILT UNIV	189,400	180,400	113,500	118,900	93,900	93,500	133,333	140,527	133,333	140,527
BOSTON UNIVERSITY	183,700	174,600	111,100	118,700	96,700	96,700	125,599	136,810	125,599	136,810
UNIVERSITY of MIAMI	189,800	189,300	109,900	114,400	95,600	99,800	129,836	134,708	129,836	134,708
TUFTS UNIVERSITY	159,200	165,700	118,400	125,400	93,900	97,500	125,645	132,936	125,645	132,936
*** GW***	163,700	162,600	111,700	118,000	90,500	95,800	123,575	131,433	123,575	131,433
SO METHODIST UNIV	153,400	157,100	106,800	112,100	96,300	102,800	122,921	127,267	122,921	127,267
TULANE UNIVERSITY	148,000	181,900	103,300	108,000	81,600	83,900	110,101	118,600	110,101	118,600
AMERICAN UNIVERSITY	165,900	173,400	109,700	114,000	84,100	82,800	114,073	117,566	114,073	117,566
*** GW***	153,700	182,600	111,700	118,000	90,500	95,800	123,575	131,433	123,575	131,433
AAUP 80th percentile	154,424	189,285	110,451	118,741	91,333	101,321	137,151	144,805	137,151	144,805

MARKET BASKET DATA

MEAN of the schools

MEDIAN of the schools

	2007-08	2008-09	% Chg	2007-08	2008-09	% Chg	Conversion Factor
DUKE UNIVERSITY	296,121	312,476	5.5%	166,268	175,917	4.5%	1.5726
WASHINGTON UNIVERSITY	281,531	298,566	6.4%	145,045	153,451	5.8%	1.5284
EMORY UNIVERSITY	270,981	279,676	3.2%	152,722	160,828	5.3%	1.4476
VANDERBILT UNIV	257,251	273,955	6.5%	135,004	141,989	5.2%	1.5166
NORTHWESTERN UNIV	242,648	255,001	5.1%	144,720	153,672	6.2%	1.2433
SO METHODIST UNIV	229,502	235,037	2.4%	147,067	153,500	4.4%	1.4908
TULANE UNIVERSITY	220,838	241,211	9.3%	121,947	125,078	2.6%	1.2299
UNIVERSITY of MIAMI	196,538	208,222	5.9%	117,824	122,744	4.2%	1.0000
GEORGETOWN UNIV	181,900	190,500	4.7%	93,100	96,500	3.6%	0.9217
UNIV of SOUTHERN CAL	171,252	172,619	0.9%	106,959	108,023	-1.8%	1.0361
BOSTON UNIVERSITY	169,610	180,903	6.7%	92,827	100,191	8.2%	1.0000
TUFTS UNIVERSITY	164,947	171,682	4.1%	97,290	101,020	3.8%	1.0000
*** GW***	163,700	162,600	6.8%	90,500	96,800	6.9%	1.0000
NEW YORK UNIVERSITY	148,812	154,110	5.1%	81,724	84,587	3.5%	0.9816
AMERICAN UNIVERSITY	185,900	173,400	4.5%	64,100	62,800	-1.8%	1.0000

MARKET BASKET DATA

MEAN of the schools

MEDIAN of the schools

* excludes GW.

Compensation Source: AAUP Academic

* Source: www.crimoney.com

2008-09 Median Salaries by Gender for GW *Regular Faculty (Continuing and New)

Professors	Number of Faculty		Mean		Median		Quartile 1		Quartile 3	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
CCAS Humanities	15	24	92,923	97,325	90,097	97,622	86,073	86,952	103,272	112,306
CCAS Physical Sciences	4	34	99,943	114,437	94,914	103,998	82,992	94,833	116,893	125,152
CCAS Social Sciences	13	53	119,980	123,091	111,995	116,199	106,495	106,903	130,554	135,485
Education	10	10	114,914	112,624	115,682	109,224	109,095	92,270	122,426	117,510
Elliott School	4	19	138,161	119,603	133,703	111,343	107,063	102,518	169,259	141,990
Engineering	3	45		135,931		130,089		114,770		150,000
Business	5	29	127,600	131,379	123,400	122,300	122,400	113,000	134,300	139,000
Law School	11	30	184,774	210,763	192,852	203,635	164,680	180,304	208,158	231,527
Public Hlth&Hlth Svc	5	21	154,515	143,438	129,173	155,454	129,173	101,590	175,949	172,843
Total	70	265								

Associate Professors	Number of Faculty		Mean		Median		Quartile 1		Quartile 3	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
CCAS Humanities	22	23	77,801	75,983	77,186	77,440	70,206	71,549	85,966	80,139
CCAS Physical Sciences	7	18	82,422	79,396	81,808	78,908	80,349	75,100	84,564	81,440
CCAS Social Sciences	29	23	83,028	87,099	81,254	87,588	74,430	78,934	91,423	90,870
Education	17	11	78,533	87,032	78,443	81,910	71,190	69,885	85,072	98,078
Elliott School	2	10		87,647		80,990		75,340		90,000
Engineering	3	11		103,727		99,128		92,066		105,370
Business	12	27	120,817	109,317	119,400	106,900	96,100	101,200	140,600	116,650
Law School	9	15	155,850	170,166	152,960	174,230	147,560	144,600	161,970	184,000
Public Hlth&Hlth Svc	6	5	89,389	153,537	87,713	134,517	85,321	117,285	91,397	196,614
Total	107	143								

Assistant Professors	Number of Faculty		Mean		Median		Quartile 1		Quartile 3	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
CCAS Humanities	34	28	65,083	64,465	64,032	62,562	58,485	57,028	70,000	70,329
CCAS Physical Sciences	9	14	67,056	71,445	68,710	70,497	62,000	66,262	70,000	74,974
CCAS Social Sciences	20	24	74,323	71,757	71,366	71,376	66,620	63,750	85,698	79,135
Education	9	8	62,683	65,671	60,170	66,258	56,900	64,500	63,000	69,550
Elliott School	6	3	75,291		72,620		68,640		76,947	
Engineering	2	10		93,592		95,217		89,500		96,600
Business	14	18	129,561	116,739	127,550	110,750	103,900	99,300	160,200	135,000
Law School	n/app	n/app								
Public Hlth&Hlth Svc	4	1	85,510		83,142		76,865		94,154	
Total	98	106								

* Excludes University Professors, instructors, clinical law faculty, SMHS and cells with fewer than four faculty.

FACULTY SENATE COMMITTEE
on
LIBRARIES
Annual Report (2008-2009)

The Faculty Senate Committee on Libraries addressed a number of issues during the past year. While most communications were accomplished via e-mail, the Committee held one meeting and one joint meeting with the Committee on Research. Here are the major issues considered this year:

Resolution on Scholarly Publications

At the request of the Executive Committee, the Committee on Libraries drafted a resolution that would require faculty members to deposit copies in the Electronic Repository at the Gelman Library of those publications for which a license could be granted to the University. The Committee forwarded it to the Committee on Research for consideration. After modifications recommended by the Committee on Research were made, both committees voted to adopt the resolution and it was forwarded to the Executive Committee. The Executive Committee has forwarded the resolution to the Office of the General Counsel for comment before presenting it to the Senate.

Resolution on Funding for the Gelman Library

Pursuant to Resolution 05/7 regarding funding for the Gelman Library, the Committee on Fiscal Planning and Budget prepared a resolution calling for an increase of 10% in the collection budget of the Gelman Library until parity with the average collections expenditures of market basket schools had been achieved. The resolution was forwarded to the Committee on Libraries for its approval and to the Executive Committee. However, before the Committee on Libraries could take any action, the Executive Committee voted to decline to send the resolution to the full Senate. The Committee on Libraries subsequently sent an alternative resolution to the Committee on Fiscal Planning and Budget asking that the University include a goal of increasing the endowment for the Gelman Library by \$51 million as part of its capital campaign as a means to increase funding for the Gelman Library collections expenditures to achieve parity with the average collections expenditures of market basket schools and, that until that goal is reached, the base budget for collections of the Gelman Library be increased each fiscal year on a par with the percentage by which student tuition was increased by the University in the preceding academic year. The Committee on Fiscal Planning and Budget will consider the fiscal implications of the alternative resolution in the next academic year.

Proposal on Faculty Copyright Risks

The Committee on Educational Policy approved a proposal asking that the University establish a faculty copyright education program. The Committee on Libraries voted to support the proposal.

Respectfully Submitted

Scott B. Pagel

Scott B. Pagel, Chair

May 6, 2009

Members

Scott Pagel (Chair), Simon Berkovich, Brian Casemore, Vincy Fon, Valentina Harizanov, Jennifer James, Christine Pintz, Daniele Poodini

ex officio:

Donald Lehman, Anne Linton, Jack Siggins, Nicole Welsh (student liaison), Philip Wirtz
(Executive Committee Liaison)

The George Washington University
Faculty Senate Committee on Physical Facilities
Annual Report
April 30, 2009

During the academic year 2008/09 the Senate Committee on Physical Facilities met on four occasions.

At its first meeting the committee focused on three major aspects of the planned Science and Engineering Complex:

- The current plans for the size and scope of the building
- The progress to date of the planning process
- The current estimates of the cost of the building and supporting infrastructure

Mr. Arthur Bean, Director of Facilities Project Management, offered a tentative outline of the building parameters, including gross and net square footage, laboratory, office and classroom space allocation, and parking facilities. He also provided preliminary estimates of construction costs, taking into account special requirements for building services, and reported on the engineering progress to date.

Mr. Bean also offered details on the planned building for the School of Public Health, currently scheduled for occupancy in 2012.

Various other projects were also discussed by the Physical Facilities team. Among these were an inventory of available classroom space on the main campus and an assessment of needed improvements, and plans for the renovation of the second floor classrooms in Fonger Hall. The committee also heard a progress report on the construction of Pelham Hall at the Mt. Vernon campus.

At its second meeting the committee focused exclusively on the planned Science and Engineering Complex. It discussed in detail the report to the Faculty Senate presented by the Faculty Senate

Special Committee on the Science and Engineering Complex on November 14, 2008.

Mr. Juan Ibanez offered an update on engineering work performed to date and addressed the issue of replacement for the parking spaces eliminated by the removal of the university parking garage. He also provided an overview of the current development timeframe, including programming, architectural design, zoning approval, and start and completion of construction.

At its third meeting Associate Vice President for Academic Operations Jeffrey Lenn provided a detailed update on the three-year classroom improvement project currently being conducted by the Division of Academic Operations. Dr Lenn outlined various improvements to Bell, Corcoran, Fungler, Gelman, Old Main, Phillips and Rome implemented during the current academic year, as well as the Division's plans for repairs and renovations over the following two academic year.

The last meeting of the academic year was dedicated to a discussion of the Science and Engineering Complex. Mr. Juan Ibanez and Dr. Jeffrey Lenn presented information on similar projects undertaken at various universities in the United States and overseas. Of particular importance was a discussion of the key features typically incorporated into the design of such facilities. Mr. Ibanez also discussed the present state of planning for the complex and outlined a potential timeline for the benchmarking, programming and early design phases.

Members: Linda Gallo, Hermann Helgert (Chair), Hugo Junghenn, Edward L. Murphree, Maida Withers
Ex-Officio: Elizabeth Amundson, Brian Biles (Executive Committee Liaison), Juan Ibanez, Louis Katz, Craig Linebaugh (replaced by Jeffrey Lenn), Jean Pec, Abigail Wolfe (Student Liaison)

Faculty Senate
PROFESSIONAL ETHICS AND ACADEMIC FREEDOM COMMITTEE
ANNUAL REPORT 2008-2009
May 6, 2009

The Professional Ethics and Academic Freedom (PEAF) Committee met two times during the academic year and extensively communicated electronically throughout the year. The following is a summary of the issues considered and the current status.

1. **Committee Report and Resolution to Amend Faculty Code with Respect to the Appointment of Academic Administrative Officers**

On February 4, 2008, the Executive Committee informed the PEAf committee that the practices that some schools have followed with regard to the selection of Associate Deans, Assistant Deans, and similar academic officers are at variance with the Faculty Code. We were therefore requested to review appropriate documents and practices at the various schools and make recommendations. Subsequently, the PEAf committee reviewed the by-laws of all schools with reference to such appointments. Professors Wilmarth and Garris met with the Council of Deans and sought their views and recommendations. PEAf committee members sought feedback from the Faculty on this issue. The Council of Deans subsequently met privately and further discussed the issue and their views were expressed to PEAf both through a meeting with EVPAA Donald Lehman and a memorandum. Some of the concerns expressed by the deans included:

- a. Appointing only regular active status faculty to these positions may serve to reduce the level of scholarly activity at the school. Faculty membership should therefore not be a requirement for such appointments.
- b. Each school has its own particular needs and concerns regarding administrative positions so that all schools should not be required to follow the same procedures.
- c. Research faculty should not be appointed as associate deans although they may serve as assistant deans when approved by the Faculty.
- d. Deans wish to be empowered to select appropriate Faculty for these positions, subject to removal by Faculty by majority vote of the regular active status faculty.
- e. The deans were concerned that Procedures of the Faculty Code requiring Faculty participation were too onerous.

A draft resolution to amend the Faculty Code was distributed to the committee to form the basis of discussion. After a considerable amount of consideration of all views and current practices, the committee came to the conclusion that most of the concerns of the deans and the concerns of the Faculty can be accommodated under the current version of the Faculty Code, provided that appropriate School procedures are incorporated in the school by-laws. The conclusion of the committee was that the current provisions in the Faculty Code for the appointment of Associate and Assistant Deans and similar academic officers offer the flexibility that the deans seek, and promotes harmonious cooperation with the Faculty that everyone agrees is in the best interest of every school and will assist the academic officers in performing their duties. It was therefore decided to abandon the resolution to amend the Faculty Code but to provide a Committee Report to assist schools in interpreting the Faculty Code and to provide helpful suggestions on how they might modify their school by-laws in order to expedite their procedures in appointing academic officers in the school. A copy of the report is attached herewith.

2. **Study of Proportionality of Senate Representation.**

The Executive Committee informed PEAFF that some faculty of CCAS believed that the number of Faculty Senate representatives from CCAS should be increased. The PEAFF Committee discussed the issue and sought input from the Faculty. The committee also reviewed the history of Senate composition at GW and the manner in which Senate representation is determined at other universities. Current practice at GW is that each school has three representatives regardless of enrollment, revenue, etc. with some exceptions. The CCAS is viewed as consisting of three distinct divisions, each having 3 representative, with a total of 9 representatives. ESIA and SPHHS have two representatives, rather than three, because of their size and age, but will eventually be entitled to three representatives each. The committee was not aware of any compelling reason that changing this balance will better enable the Faculty Senate to serve the university. It has provided harmonious cooperation among Senate members for many years. Our research discovered that while many universities have systems similar to GW's, other universities do have proportionate representation based on such factors as enrollment, number of faculty, revenue generated, etc. While the PEAFF committee could not find any compelling reason to change the current representation, PEAFF decided to allow the Faculty Senate to express its views. Thus, the committee drafted A **RESOLUTION TO AMEND THE FACULTY ORGANIZATION PLAN WITH REGARD TO THE COMPOSITION OF THE FACULTY SENATE (08/2)** which was presented to the Faculty Senate at the September 12, 2008. In effect, the resolution added two senate representative to CCAS while keeping representation from the other schools the same. The resolution was tabled. While it was noted that some CCAS faculty felt very strongly on the issue of increasing CCAS representation, it became clear that many Faculty Senate members consider this a highly divisive issue. In the spirit of continuing our tradition of collegiality and in focusing our attention on the more important issues which our university faces, it was agreed that the committee will take no further action on the resolution unless directed to do so by the Executive Committee.

3. **Compliance of SPHHS and GSEHD with Article I.B.1 of the Faculty Code**

The PEAFF committee was informed that there is progress in both schools. On March 13, Professor Cherian, Chair of the Joint Subcommittee Regarding Compliance by SPHH, reported to the Faculty Senate that Interim Dean Josef Reum presented a very detailed report on the plans to achieve compliance at SPHHS, and Dean Mary Futrell made a positive presentation to the Senate on April 10, 2009 on progress in GSEHD.

4. **Faculty Performance Evaluation**

In the Spring of 2008, the Executive Committee requested that the PEAFF Committee and the ASPP Committee form a joint subcommittee to review current GWU methodology and that at other institutions and to provide a report to the Faculty Senate. A joint committee was formed. The joint subcommittee has met several times and has endeavored to limit the scope of its activities to that which will provide maximum impact on academic excellence at GW. It is therefore studying policies and procedures in all departments and schools for evaluating teaching. The committee is in the process of formulating a survey and will provide a report in the Fall 2009.

5. **AAUP Report "Freedom in the Classroom"**

The AAUP report "Freedom in the Classroom" was published in September 2007. It addresses the conundrum faced today in modern academia of supporting the faculty's

right to academic freedom while avoiding abuse of this right in a litigious and consumer oriented environment. Perceived abuse falls into four categories: I. Instructors are said to "indoctrinate" rather than "educate"; II. Instructors are accused of failing to present conflicting views on contentious subjects in a fair way, thereby depriving students of educational "balance"; III. instructors are sometimes accused of being intolerant of students' religious, political, or socioeconomic views, thereby creating a hostile atmosphere inimical to learning; and, IV. Instructors are accused of persistently interjecting material, especially of a political or ideological character, irrelevant to the subject of instruction. The AAUP report attempts to find a balance and suggest helpful guidelines. While it is not clear that this is a general problem at GW, it may be helpful to have recommendations in place when complaints occur. The AAUP report provides guidelines that might be helpful to faculty and administrators in setting the boundaries. While the committee discussed the issue in passing, it did not have time to consider it in detail. The committee was also advised of another report on the same subject that it might consider. If the committee finds one of these reports useful, a possible outcome would be a resolution adopting its recommendations. This issue may be considered on the Fall 2009 committee agenda.

6. **Patent Policy**

The PEAFC Committee was asked to review the new proposed GWU Patent Policy. The new policy was distributed to the committee and general feedback obtained. However, the Patent Policy inherently involves conflicting interests including revenue generation for the university, diverting faculty attention from purely academic pursuits, research, contributing to the business world, retaining and recruiting creative faculty. Furthermore, the Patent Policy involves the legitimate interests of the faculty in retaining intellectual property rights in their course materials and research results, except with respect to "works for hire" as properly defined in accordance with well-established legal doctrine. It was therefore decided by the Executive Committee to form a Joint Subcommittee between PEAFC and Research. This subcommittee will probably begin its work over the summer and report to PEAFC and Research in the Fall.

Respectfully Submitted on behalf of the Committee:

Charles A. Garriss, Jr.
Chair

Senate Committee on Professional Ethics and Academic Freedom

Maria Cseh, Counseling, Human and Organizational Studies
Kurt J. Darr, Health Services Management and Leadership
Molina Dayal, Obstetrics and Gynecology
Charles A. Garriss, Chair, Mechanical & Aerospace Engineering
Walter K. Kahn, Electrical and Computer Engineering
Murray H. Loew, Electrical and Computer Engineering
David Robinson, Emeritus, Law
Lisa Torres, Sociology
Lynda West, Teacher Preparation & Special Education
Arthur A. Wilmarth, Law, Executive Committee Liaison

ex. officio:

Marguerite Barratt, Dean, Columbian College of Arts & Sciences

Robin Kinder, Coordinator of Reference Services, Gelman Library
Frederick M Lawrence, Dean, GW Law School
Carol Sigelman, Associate VP for Graduate Studies and Academic Affairs
Richard Weitzner, Associate General Counsel

Committee Report

on

The Appointment of Academic Administrative Officers

Faculty Senate Committee on Professional Ethics and Academic Freedom (PEAF)

Chair: Garriss, Charles A., Jr., Mechanical and Aerospace Engineering
Cseh, Maria, Counseling, Human and Organizational Studies
Darr, Kurt J., Health Services Management and Leadership
Kahn, Walter K., Electrical and Computer Engineering
Loew, Murray H., Electrical and Computer Engineering
Robinson, David, Emeritus, Law
Torres, Lisa, Sociology
Watkins, Ryan, Educational Leadership
West, Lynda L., Special Education

ex officio:

Barratt, Marguerite (Peg), Dean, Columbian College of Arts and Sciences
Kinder, Robin, Coordinator of Reference Services, Gelman Library
Lawrence, Frederick M., Dean, GW Law School
Sigelman, Carol, Associate Vice President for Graduate Studies and Academic Affairs
Weitzner, Richard, Associate General Counsel
Wilmarth, Arthur E. Jr., Law, Executive Committee Liaison

The Executive Committee in its memorandum of February 4, 2008 (Attachment 1) requested that the PEAFF Committee consider the procedures of the Schools with respect to the selection of Associate Deans, Assistant Deans, and similar academic officers and to consider the current requirements of the Faculty Code, the By-Laws of the various schools, and to seek counsel of the faculty and deans on the issue. The Executive Committee was prompted to make this request by reports of violations in certain schools of the Faculty Code in making such appointments.

The Faculty Code currently provides a substantial role for the regular-active status Faculty in making such an appointment only for "academic administrative officers." [Procedures for Implementation of the Faculty Code; C.2.] The reason that the Faculty has such a role is rooted in the principle of shared governance between Faculty and administration as described in Article IX (A) of the Faculty Code where it states that:

"The regular, active-status faculty shares with the officers of the administration the responsibility for effective operation of the departments and schools of the University as a whole. In the exercise of this responsibility, the regular, active-status faculty plays a role in decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, department chairs, and other administrative officials with authority over academic matters. The regular active-status faculty also participates

in the formulation of policy and planning decisions affecting the quality of education and life at the University. . .”

Thus, unlike operating procedures in hierarchical business or government organizations, the current Faculty Code requires a shared-governance role of regular active-status faculty, and seeks a process where the regular active-status faculty and the administration work in parallel in a collegial and productive manner with mutual respect and who can collaborate effectively as a team in formulating policy and planning decisions affecting the quality of education and life at the University. Conversely, there are those that feel that the business or government model is more appropriate and that the Faculty Code should be changed.

The PEAf Committee had three meetings where this was a prominent agenda item. The By-Laws of each of the schools (Attachment # 2) were studied. Professors Wilmarth and Garris met with the Council of Deans to solicit input. Subsequently, the Council of Deans met and discussed the issue at length. They then provided the PEAf committee with its recommendations (Attachment #3). Furthermore, in order to convey these recommendations to the PEAf committee, EVPAA Lehman attended the PEAf meeting of May 2, 2008 to convey and discuss the concerns and recommendations of the deans.

EVPAA Lehman explained that the deans would like to:

- a. Directly appoint Associate and Assistant Deans without a faculty committee and without faculty approval of the criteria. The feeling is that these positions are integral members of the dean's team and the dean can best select the individuals whom he/she feels most comfortable working. Further, the feeling of the deans was that the recruitment process would be very much streamlined. The deans felt that the faculty could be consulted after the dean selects the candidate, and the faculty could remove a candidate deemed unacceptable to them through a vote of no-confidence. The deans felt faculty would be more enthusiastic about assuming such roles if they did not have to undergo such scrutiny from their colleagues.
- b. The deans felt that Research Professors should not be eligible for appointment in administrative positions since the effort certification required by sponsors becomes unmanageable.
- c. The deans felt that individual schools have different needs and the by-laws of each school can determine many of the particulars of the process such as which faculty committee may or not be consulted, who votes in votes of no-confidence, etc.
- d. The Council of Deans felt that Assistant Deans should certainly be directly appointed by the deans even if Associate Deans are deemed to require more scrutiny from the faculty.

This valuable perspective from the Council of Deans was carefully considered by the PEAf Committee. The following observations were made by the PEAf Committee:

1. The term “academic administrative officers” as it appears in the Faculty Code [Procedures, C.2.a] should be clarified. There seemed to be consensus that it involved administrators who deal with faculty personnel actions, curricula, research, teaching assignments, faculty development, and the like. There was also a feeling that administrative officers who deal with student recruiting, finance, physical facilities, etc.

- do not constitute "academic . . ."
2. The concept that the only faculty input was through a vote of no-confidence was generally rejected. Votes of no-confidence are generally extreme and cast a terrible stigma on the faculty concerned. The feeling was that it was better to head this off by allowing the faculty to offer its recommendations before the appointment is made.
 3. There was a feeling that the process required by the Faculty Code is not unwieldy if it is set up in an efficient manner through the respective schools' by-laws. For example, the elected committee can be a standing committee that serves other purposes within the school, such as the Dean's Council in the CCAS. The elected committee can be designated through the by-laws to be the Faculty of the whole, where the "election" takes place pro forma. Similarly, the criteria can be established in advance and approved by the faculty, and subsequently used for many appointments. Thus, the criteria does not have to be developed and voted on each time an appointment is made.
 4. There is an advantage in having the administrator endorsed by the faculty prior to assuming the office. While it is in the interest of the dean to have a harmonious team, the functioning of the school should improve if the members of the team have a harmonious relationship with the faculty. Thus, there was a feeling among the PEAf committee that there is benefit from having prior faculty endorsement of candidates. Clearly, the dean can express his/her preferences and the faculty committee would give great weight to this recommendation in their recommendation.
 5. The issue of whether or not Assistant deans should be treated differently from Associate Deans was discussed at length. If the Assistant deans do not deal with "academic" issues as discussed above, the Faculty Code does not currently require the dean to follow the process defined in the Faculty Code [Procedures, C.2]. Hence, the dean can appoint them without faculty consultation. However, if the Assistant Dean does deal with "academic" matters, then the feeling was that he/she should not be treated differently from Associate Deans.
 6. It was also observed that often lower level administrators are called upon to perform the duties of a higher level administrator. Thus, Assistant Deans may be called upon to do the work normally required by an Associate Dean. Furthermore, if the appointment of Assistant Deans were treated differently than Associate Deans, it is not unlikely that Deans would appoint Assistant Deans to fill positions normally held by Associate Deans in order to evade the faculty scrutiny. This was a substantial argument in favor of not treating the appointment of Assistant Deans differently than Associate Deans.
 7. On the concern of the Council of Deans for the appointment of research faculty to administrative positions, there was very little discussion. It was noted that, currently, the Faculty Code does not prohibit such appointments. Further, the concerns of the deans relating to allocation of effort seem sponsor related. Thus while the concern may be very valid in certain instances with certain sponsors, it was not clear that such a prohibition should be included in the Faculty Code.
 8. There was concern among PEAf members that changing the Faculty Code should only be done with extreme care when major issues arise. After much discussion, the PEAf committee concluded that there was considerable wisdom in the process currently defined by the Faculty Code, and that there is much flexibility that could be better taken advantage of by the deans.

SUGGESTIONS ON STREAMLINING THE PROCESS

- **Appointment of "academic administrative officers"**

In accordance with the Faculty Code's references to "academic administrative officer," it would be helpful if in accordance with the administrative structure of each school, the by-laws specifically state which appointments are academic and which are not. Such clarification would enable the dean to make appropriate appointments of non-academic officers without concern for the need for faculty consultation. It would also clarify the role of each administrator.

- **"Appointments to such positions shall be made only after a special or standing committee, elected by the regular, active-status faculty involved from among the faculty's tenured members . . . considered nominations, and reported its recommendations in accordance with the procedures established under Section A, above to the faculty that elected it or to the appropriate academic administrative officer."**

The By-Laws of the school can authorize a standing committee to perform the functions of the Associate Dean and Assistant Dean search committee. Some schools have a standing "Dean's Council Committee" or the like which, if it is composed of tenured faculty, can be empowered through the by-laws to perform this function. If the committee is composed of both tenured and non-tenured faculty, the by-laws can empower only the tenured members to perform this function. Similarly, if the Faculty of the respective School wish the process to be more inclusive so as to allow non-tenured faculty, research faculty, students, etc. to participate in the process, provisions defining their roles can also be included in the by-laws. The issue of conducting an actual election can be avoided by designating the "Faculty of the whole" as the appropriate committee, and the election is pro forma. Such statements in the school by-laws can avoid the need to conduct an election and to convene a special committee, and is completely consistent with the Faculty Code. The by-laws could also specify who the committee should make its recommendations to.

- **" . . . has established criteria (subject to the approval of that faculty as a whole**

For Associate and Assistant Dean positions, the criteria for selection can be established, approved by the faculty, maintained as standing criteria until such time as the faculty vote to amend them. The by-laws of the school should so specify that the criteria for a specific position, which was voted on by the faculty as a whole at the last convened faculty meeting, remain in effect until amended at a full school-wide faculty meeting.

- **"The academic administrative officers . . . shall be qualified for faculty membership by training and experience."**

This requirement does not limit the appointment of "academic" Associate and Assistant Deans to members of the faculty. It is recognized that many of these administrative positions may be better managed by skilled and experienced administrators rather than scholars. Conversely, extracting a productive scholar and teacher from an enriching academic career to pursue operational and administrative exigencies may not be in the best interest of the University. Thus, academic administrative officers need only be qualified for faculty membership by training or experience. It not necessarily require that

the person meet the requirements for tenure or appointment at a specific faculty grade. These requirements, however, can be included in the "criteria" if the respective faculty consider them to be important. Similarly, the Council of Deans suggested that Research Faculty be barred from appointments as "academic administrative officers" because of various difficulties that may arise. Such a bar does not exist in the Faculty Code. However, such bars can be implemented in the respective school by-laws if the faculty so decide.

- **"such appointees shall hold office only as long as they retain the confidence of the faculty concerned."**

The PEAFC Committee considers the current procedures in this regard which are outlined in Article C.2.c) of PROCEDURES FOR THE IMPLEMENTATION OF THE FACULTY CODE. However, expanding on these procedures in the by-laws of the respective school may be advantageous.

In conclusion, the PEAFC Committee recommends that the current procedures for the Appointment of Associate and Assistant Deans in the Faculty Code remain unchanged. We believe changes can be made to school bylaws, as described above, in order to streamline the procedures of appointing academic administrative officers within the Schools.

Respectfully Submitted

Faculty Senate Committee of Professional Ethics and Academic Freedom
December 12, 2008

Progress Report 2008-2009

Senate Joint Subcommittee on Educational Quality The George Washington University

The Joint Subcommittee has a "wide mandate" to examine and report back to the Senate on issues of educational quality (the charge from Arthur Wilmarth, Chair of the Senate Executive Committee is appended).

Formally the Joint Subcommittee reports to the following three standing Senate committees:

- (i) the Committee on Admission Policy, Enrollment Management and Student Financial Aid;
- (ii) the Committee on Educational Policy; and
- (iii) the Committee on Fiscal Planning and Budgeting.

Active Members for Academic Year 2008-2009

Faculty

Muriel Atkin (CCAS)
Bryan Boulier (CCAS)
Michael King (CCAS)
Donald O. Parsons (CCAS), Chair
Peter Rollberg (CCAS)
Lawrence Singleton, (SB)
Lynda West (GSEHD)
Anthony Yezer (CSAS)

Ex Officio

Timothy Little, Undergraduate Student
Kevin Homiak, Undergraduate Student

ACTIVITIES IN ACADEMIC YEAR 2008-2009

The Joint Subcommittee has taken seriously its wide mandate to explore issues of educational quality at GW, with one important limitation—to date it has focused solely on the *undergraduate* program. It has interpreted its charge to mean that it should define the current undergraduate experience and then propose ways to improve that experience without putting undo strain on the university's resources.

The broad scope of the study and the limited support resources available to us has left the study very much "in midstream." At this point we have no interim studies to circulate. Below we list various works-in-progress to give you a sense of the shape of the Subcommittee's final report.

We would like to acknowledge the assistance of Cheryl Beil, Assistant Vice President for Academic Planning & Institutional Research.

Joint Subcommittee on Educational Quality

Works-in-Progress (2008-2009)

- (i) The outside world's description of the GW undergraduate experience;
- (ii) What GW thinks about itself;
- (iii) How does GW compare to local market basket schools, GU and AU?
- (iv) Historical analysis of undergraduate admissions quality, and student costs and financial aid
- (v) Historical analysis of quality of undergraduate quality, including
 - o Retention of qualified students
 - o Quality of transfers
- (vi) Assessment of the GW experience:
 - o Objective value added evidence
 - o Student assessments (Senior Surveys)
 - o Cross-time performance in large introductory discipline courses
 - o Other measures of success (retention, etc.)
- (vii) Specific issues impacting the undergraduate experience:
 - o Grading policies
 - Grade inflation—is it justified by increased quality?
 - Grade inequality across identical course offerings
 - o The Honors Program
 - Goals of the new program
 - Are goals being met?
 - o The Closed Course Problem, its dimensions and what can be done about it.
 - o The proper mix of regular tenure/tenure track faculty, contract faculty, adjunct faculty, and graduate teaching associates.

CHARGE TO THE SUBCOMMITTEE

Email From Art Wilmarth on Behalf of the Senate Executive Committee
Friday April 25, 2008

Dear Don:

At our meeting today, the Faculty Senate Executive Committee approved the creation of a Joint Subcommittee on Educational Quality. We are very grateful for your willingness to chair the Joint Subcommittee. We would ask your Joint Subcommittee to report to the following three Faculty Senate Committees:

- (iv) the Committee on Admission Policy, Enrollment Management and Student Financial Aid;
- (v) the Committee on Educational Policy; and
- (vi) the Committee on Fiscal Planning and Budgeting.

I will be sending you a more formal "charge," but the Executive Committee would like your subcommittee to look at issues involving the recruitment and retention of highly qualified undergraduate students and issues related to the faculty and other academic resources that are needed to enhance the quality of our undergraduate academic programs. I note that there has been recent discussion about the structure of the Honors Program and its effect on the choice of student majors and minors. If this issue seems relevant to your work, you might consider how the four-course structure of the Honors Program curriculum interacts with the five-course structure of our general undergraduate program. Your subcommittee has a wide mandate, and I want you to feel free to organize and focus your work in the way that seems most effective to you and your colleagues.

The Executive Committee has approved the following faculty members as members of your subcommittee:

Muriel Atkin (CCAS)
Jonathan Chaves (CCAS)
Joe Cordes (CSAS-SPP)
Ernie Englander (SB)
Michael King (CCAS)
Peter Rollberg (CSAS)
Lynda West (GSEHD)
Tony Yezer (CSAS).

Would you please contact these faculty members and inform them that they have been invited to serve on your subcommittee?

Thank you again for your willingness to lead this very important subcommittee. The Executive Committee very much looks forward to receiving the product of your efforts.

Best regards, Art Wilmarth

Arthur E. Wilmarth, Jr.
Professor of Law
Chair, Faculty Senate Executive Committee

CLARIFICATIONS OF SENATE SCIENCE AND ENGINEERING COMPLEX MINORITY REPORT (APRIL 10, 2009)

Donald O. Parsons
May 8, 2009

The Administration raised objections and requested clarification of two slides that I presented when giving the minority report "fact show" at the last meeting of the Senate. These appear in pages 5 and 7 of the printed slide show:

- (i) characterization of how space in the proposed SEC is to be allocated Page 5 of Report (EVPAA Lehman); and
- (ii) characterization of short term plans for existing science and engineering facilities Page 7 of Report, (Dean Dolling).

Because the whole point of the Senate SEC committee is to increase transparency in SEC planning, I certainly do not want to provide misleading information. Below I revisit both statements, and provide more careful restatements of each, with some additional discussion of these two issues.

Proposed Space Allocation Method in the SEC

WHAT I SAID:

Research lab space will be allocated on a cash basis, to researchers in engineering, sciences, and medicine who generate external support for their work.

WHAT I WISHED I HAD SAID:

Research lab space "will be assigned competitively based on the funding level of the principal investigators who are proposing to occupy the space."

WHAT IS THE FACTUAL BASIS FOR THE STATEMENT?

Lengthy discussion of just this point with Senate SEC Committee by Board of Trustee Vice Chair (and Chair, Board of Trustee's SEC Committee) Nelson Carbonell.

"At this point, the University wants to follow the model utilized at most universities, which provides for laboratory space to be assigned competitively based on the funding level of the principal investigators who are proposing to occupy the space."

Vice President Lehman

**Minutes, Regular Faculty Senate Meeting
December 12, 2008, P.4**

WHY IS THIS ISSUE IMPORTANT TO THE FACULTY?

The question of whether the SEC is to be well integrated into the teaching and research environment of the University or is to be used, in the short run at least, as a source of funds to construct the building is one that should be openly debated. Call them the campus resource model and the industrial park model. Recently constructed science buildings of both types are easy to find. I assume, but do not know, that the same holds in engineering.

Beyond the obvious issue of what we want the main campus to be, there are serious financing questions as well. The first model, with its emphasis on service to students and current faculty, is likely to have more appeal to donors, but will be less likely to generate appropriable external contract and grant funds that can be used to construct the building.

**OBSERVATION ON SCIENCE AND ENGINEERING FACILITIES
FOR CURRENT GENERATION OF STUDENTS
(NEXT FIVE YEARS)**

WHAT I SAID:

- **Current Science and Engineering Students**
 - There are no known provisions for improving the lab experiences of GW science and engineering students until the completion of the new building in 2014.

WHAT I WISHED I HAD SAID:

- **Current Science and Engineering Students**
 - There are no known provisions for renovating GW science and engineering lab facilities until the completion of the new building in 2014.

WHAT IS THE FACTUAL BASIS FOR THE STATEMENT?

The original statement was much too general for the point I was trying to make. Of special note, a key change in the two statements is the use of the word renovation instead of improvement. In a report about facilities, I took the two as synonyms, but in a lengthy email Dean Dolling explained that the two are distinctly different to engineers—and perhaps others—with improvements including for example updated computers. It was not my intent to suggest that, and I am happy to apologize for the confusion and change the wording to be clearer on my meaning.

On the renovation issue itself, I stress the “known” condition. At the end of his lengthy email on the distinction, Dean Dolling concludes, “So our general strategy has been, and will continue to be, a combination of some renovations and improvements.” (April 14, 2009). Given the obvious sensitivity of the issue, I e-wrote back seeking confirmation of the general sense of the letter, “I THINK you are saying that no substantial renovations of the engineering lab facilities are budgeted at this point, but, given the importance of the issue, I would much

appreciate confirmation of that.”, but I have yet to receive a response.”

WHY IS THIS ISSUE IMPORTANT TO THE FACULTY?

The absence of discussions of ways of renovating the physical facilities of science and engineering students, not only next year, but for the next five years and perhaps longer, is disturbing. It certainly feeds into campus concerns that new buildings are more interesting than education.

It is now an oft-told tale that group X (Fill in trustees, national advisory groups, etc.) was taken on a tour of the current science facilities and came away **SHOCKED** at the condition. (I assume, but do not know, that the same statement applies to engineering.)

To a professional educator, one question immediately pop to mind:

- (i) How quickly can we remedy this perceived disgrace?

A project planner might then jump forward to encourage a coordinated plan that would economically integrate short term solutions with long term ones:

- (ii) How can we coordinate meeting the needs of current students with those who will come in the next decade or two?

Both professional educators and planners might then naturally turn to questions of governance:

- (iii) How could administrators have let key university facilities decay in this way? The current situation is not the result of an earthquake or flood, but of decades of inattention and inaction. What is that all about?

Minority Report of the Special Ad Hoc Committee on Financial and Operational Planning for the Science and Engineering Complex (SEC).

**Donald O. Parsons
Anthony Yezer**

Charge to the Special Committee

- **I [Arthur Wilmarth] would request that the Special Committee report back to the Executive Committee and the Senate as early as possible in the fall semester with respect to the following issues:**
 - **(i) the projected size and scope of the SEC;**
 - **(ii) the projected costs of building the SEC and providing the SEC with the requisite equipment and other furnishings;**
 - **(iii) the anticipated sources of funding to meet those costs; and**
 - **(iv) the projected impact of the SEC on the University's operational and capital budgets during the next several years.**

A Summary of Findings

- **Administration Decisions to Date**
 - **Single Building For Science and Engineering covering much of the non-dormitory space on the block currently occupied by the 22nd St parking garage.**
- **Cost of the Project**
 - **Unknown at this point. The administration is currently spending up to \$10 million to get some idea.**

- **Financing of the SEC**
 - (i) philanthropy;
 - (ii) some unspecified portion of Square 54 revenues; and
 - (iii) augmented indirect revenues from increased science and engineering external activities.

- **Plans for Allocating Space in the SEC**
 - Space will be provided for a “substantial fraction” of student labs
 - Office space for a number of departments
 - Research lab space will be allocated on a cash basis, to researchers in engineering, sciences, and medicine who generate external support for their work. This will ultimately determine the distribution of lab space across departments and colleges.

- **Timing of the Project**

- **January Estimate**

- **Start 2011, complete 2014**
 - **Start linked to completion of Square 54**

- **Late Breaking News**

- **Indefinite delay in first stage, fund raising feasibility studies**
 - **Hatchet report that Administration does not expect delays in fundraising to affect timetable.**

Additional Issues of Note

- **Current Science and Engineering Students**
 - **There are no known provisions for improving the lab experiences of GW science and engineering students until the completion of the new building in 2014.**

Parking

A problem

Special Future Faculty Senate Concerns

- **The President's promise to limit funds on the project to (i) philanthropy, (ii) increased indirect cost recoveries, and (iii) some portion of Square 54 Revenues;**
- **Monitoring of space provided to undergraduate and graduate laboratories;**
- **Review of Administration's policy to allocate research lab space solely on a cash basis.**

To view the Committee list approved at the May 8, 2009 meeting
select this link:

http://www.gwu.edu/%7Efacsen/faculty_senate/pdf/CmtList.pdf

Please note that this list is under constant revision and should be
consulted to ensure that you have latest update.

REPORT OF THE EXECUTIVE COMMITTEE

May 8, 2009

Lilien F. Robinson, Chair

On behalf of the Executive Committee, I offer the following report.

ACTIONS OF THE EXECUTIVE COMMITTEE

RESOLUTIONS

The Executive Committee reviewed and placed on the May Faculty Senate agenda two resolutions.

- "A Resolution Recommending Modification of the Unified Budget Model"
(Committee on Fiscal Planning and Budgeting)
- "A Resolution to Amend the GWU Equal Employment Opportunity Policy to
Include 'Gender Identity or Expression'" (Joint Committee of Faculty and Students)

REPORTS

The Executive Committee received an update on the University's FY 2009 budget projections from Professor Joseph Cordes, Chair, Committee on Fiscal Planning and Budgeting.

SENATE COMMITTEES

Committee on Professional Ethics and Academic Freedom

The Executive Committee forwarded an inquiry to the Committee on Professional Ethics and Academic Freedom regarding expansion of access to secondary and courtesy appointments. The specific question is the eligibility of Professors of Practice for such appointments.

Committee on Appointment, Salary, and Promotion Policies

As previously reported to the Faculty Senate, the administration has decided to contract with Fidelity Investments to provide management regarding TIAA-CREF, Vanguard, and Fidelity retirement funds. Because some of that work will be taking place over the summer and given its importance to the faculty, the Executive Committee hopes to arrange to meet with Executive Vice President and Treasurer Katz and a representative from the Office of Human Resources to receive a briefing on the matter during the summer.

Special Ad Hoc Committees

The Executive Committee has reappointed, as originally constituted during the 2008-2009 Senate session, two Special Committees: the Special Ad Hoc Committee on Financial and Operational Planning for the Science and Engineering Complex and the Special Joint Subcommittee on Educational Quality.

Budget Working Group

The Executive Committee will be submitting to Executive Vice President for Academic Affairs Lehman their recommendation with respect to the faculty membership on the Budget Working Group.

PERSONNEL MATTERS

GRIEVANCES

Two grievances, both in Columbian College, were reported on previously. In the case of the first grievance, the Dispute Resolution Committee affirmed the decision of the Hearing Committee and the grievance was dismissed.

In the second grievance, the Hearing Committee determined that the grievance should be dismissed. Pursuant to the Faculty Code, the Hearing Committee's determination has been referred for automatic review by the Dispute Resolution Committee.

NONCONCURRENCES

The Executive Committee has not received any administration nonconcurrences with faculty personnel recommendations

EXECUTIVE COMMITTEE MEETING

The next meeting of the Executive Committee is scheduled for August 28. Resolutions, reports, and any other matters should be submitted prior to that date.

On behalf of the Executive Committee I extend thanks for your dedication and work on behalf of the University and look forward to the academic year ahead . I also extend the very best wishes for a healthy and productive summer.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate

April 30, 2009

The Faculty Senate will meet on Friday, May 8, 2009, at 2:10 p.m. in the State Room, 1957 E Street, N.W., 7th Floor

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of April 10, 2009 (minutes to be distributed)
3. Introduction of newly-elected and re-elected Senate members
4. A RESOLUTION TO AMEND THE GEORGE WASHINGTON UNIVERSITY EQUAL EMPLOYMENT OPPORTUNITY POLICY (EEOP) TO INCLUDE "GENDER IDENTITY OR EXPRESSION" (09/1) Joint Committee of Faculty and Students (Resolution attached)
5. A RESOLUTION TO RECOMMEND MODIFICATION OF THE UNIFIED BUDGET MODEL (09/2) Professor Joseph Cordes, Chair, Fiscal Planning and Budgeting Committee (Resolution attached)
6. Introduction of Resolutions
7. Report on the School of Medicine and Health Sciences: Dean James L. Scott
8. Report on the University's FY 2009 budget projections in light of the University's financial results as of 3/31/09: Professor Cordes
9. General Business
 - (a) Nomination for election of Professor Peter F. Klaren (ESIA) to the Senate Executive Committee for the 2009-10 Session, as recommended by the Nominating Committee; Professor Arthur E. Wilmarth, Jr., Convener
 - (b) Approval of dates for regular Senate meetings in the 2009-10 Session recommended by the Executive Committee as follows:

September 11, 2009	January 15, 2010
October 9, 2009	February 12, 2010
November 13, 2009	March 12, 2010
December 11, 2009	April 9, 2010
	May 14, 2010

- (c) Nominations for election of Chairs and members of Faculty Senate Standing Committees for the 2009-10 Session (list to be distributed)
 - (d) Nominations for appointment by the President of the following faculty members to Administrative Committees: Joint Committee of Faculty and Students: Alan G. Wade, Faculty Co-Chair; Heidi Bardot, Lisa W. Martin, Geoffrey Carter, Dorothy E. Holmes, Amy Mazur, Catheeja Ismail
 - (e) Nominations for appointment of faculty members by the Board of Trustees to the following Trustees' Committees: Committee on Advancement: Joseph J. Cordes; Committee on Academic Affairs: Lilien F. Robinson; Committee on Student Affairs: Alan G. Wade; External Affairs: Christy J. Zink
 - (f) Nominations for election by the Faculty Senate of the following faculty members to the Student Grievance Review Committee: Joseph Arleth, Heidi Bardot, Geoffrey Carter, Molina Dayal, Dorothy E. Holmes, Susan LeLacheur, Venetia L. Orcutt, Rumana Riffat, George Stephens, and Karen A. Wright
 - (g) Report of the Executive Committee: Lilien F. Robinson, Chair
 - (h) Annual Reports of Senate Standing Committees
 - (i) Tributes to retiring faculty members who have served on the Faculty Senate
 - (j) Chair's Remarks
- 10. Brief Statements (and Questions)
 - 11. Adjournment

Elizabeth A. Amundson

Elizabeth A. Amundson
Secretary

Attachments

A Resolution to Amend The George Washington University Equal Employment Opportunity Policy (EEOP) To Include “Gender Identity or Expression” ((09/1)

WHEREAS, the current EEOP does not specifically include “gender identity or expression” as a basis for which the University does not unlawfully discriminate; and

WHEREAS, over 260 colleges and universities have included “gender identity or expression” in their non-discrimination policies; and

WHEREAS, the inclusion of “gender identity or expression” would be consistent with provisions in the District of Columbia Human Rights Act that prohibit educational institutions from discriminating against individuals on this basis; and

WHEREAS, the inclusion of “gender identity or expression” assures current and prospective transgender students, faculty and staff that GW is a nurturing and supportive campus community; and

WHEREAS, the GW Student Association has voted unanimously to support the inclusion of such language in the EEOP; and

WHEREAS, GW students have expressed their belief that the inclusion of “gender identity or expression” in the EEOP would result in an increased sense of safety and security; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

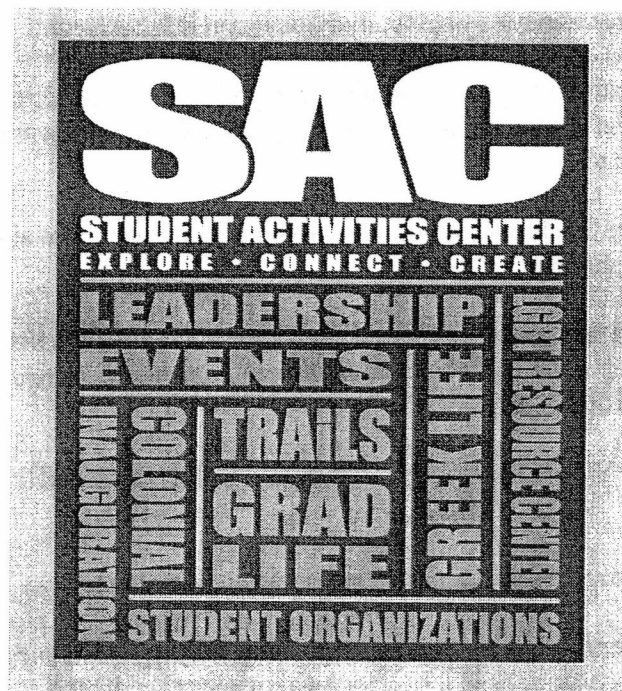
That the EEOP be amended to read as follows (changes in italics):

“The George Washington University does not unlawfully discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or *gender identity or expression*. This policy covers all programs, services, policies, and procedures of the University, including admission to educational programs and employment. The University is subject to the District of Columbia Human Rights Act.”

BE IT FURTHER RESOLVED THAT THE FACULTY SENATE supports the amending of all University non-discrimination statements, including those in the Guide to Student Rights and Responsibilities and the GW statement on Discrimination and Harassment Prohibited in the Workplace, to include “gender identity or expression.”

Joint Committee of Faculty and Students
April 8, 2009

Proposal to Include “Gender Identity or Expression” in The George Washington University Equal Employment Opportunity Policy



Prepared by the GW LGBT Resource Center in the Student Activities Center

**Proposal to Include “Gender Identity or Expression” in The George Washington
University Equal Employment Opportunity Policy**

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Page 18	Senate Resolution SR-S09-03
Page 19	Lambda Legal Resolution

Abstract

The George Washington University, like many educational institutions across the country, has been faced with the challenge of addressing the needs, concerns, and issues of transgender, genderqueer, and gender-variant students, faculty, and staff. While the current Equal Employment Opportunity Policy (EEOP) includes “sex” and “sexual orientation” as protected categories, neither of these protected categories apply to transgender people. Transgender people often face discrimination based on their gender identity or expression, rather than their biological sex or sexual orientation.

On behalf of these GW students, faculty, and staff, the GW LGBT Resource Center requests a change in GW’s EEOP (See Page 15 - <http://my.gwu.edu/files/policies/EqualEmploymentOpportunityStatement.pdf>) to read as follows (note changes in bold):

*The George Washington University does not unlawfully discriminate against any person on the basis of **d** race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or **gender identity or expression**. This policy covers all programs, services, policies, and procedures of the University, including admissions to educational programs and employment*

Altering the EEOP to include gender identity or expression also necessitates inclusion of the same language in GW’s Statement of Student Rights and Responsibilities Freedom from Discrimination clause (See Page 16 - <http://gwired.gwu.edu/dos/GuidetoStudentRights/>) and statement on Discrimination and Harassment Prohibited in the Workplace (See Page 17 - <http://www.gwu.edu/~hrs/manual/diversity/harassment.html>).

Including gender identity or expression in GW’s EEOP is in accordance with provisions of the District of Columbia Human Rights Act and will send a clear and assertive message of nurturance and support to a community that is often marginalized and discriminated against. Further, this effort toward visibility, recognition, equality, and justice is specifically connected to GW’s institutional goals that have been, and must remain, student-focused. GW’s Mission Statement is very clear about the importance of recognizing and valuing cultural diversity and every human’s well being. The GW Mission Statement reads as follows:

The University values a dynamic, student-focused community stimulated by cultural and intellectual diversity built upon a foundation of integrity, creativity, and openness to the exploration of new ideas.

This seemingly small change to GW’s EEOP will be a significant and meaningful step toward achieving our mission. Such a change will openly and loudly declare that GW not only supports diversity, but nurtures it.

Why The Change Is Needed

In the George Washington University Equal Employment Opportunity Policy the distinction between protected classes is both legally and socially relevant. This is particularly true when identifying protected classes like sex, sexual orientation, and gender identity or expression; the current protected classes enumerated in the EEOP do not necessarily apply to transgender people. Transgender people have an increased risk of being victims of violent crimes, harassment, and discrimination.

A national study of campus climate for LGBT students (Rankin, 2003) found that 44 percent of the self-identified transgender students had experienced harassment within the past year, compared to less than a third of non-transgender lesbian, gay, and bisexual student-respondents. The study found that discrimination occurred throughout college life for the students who were visibly gender different: walking on campus (57%), in the classroom (57%), in residence halls (48%), and at campus events (29%). Because of the prevalence of the harassment at their colleges or universities, 30% of these transgender students said they concealed their gender identities to avoid being verbally or physically attacked. Other research (McKinney, 2005) has shown that openly transgender students almost universally experience discrimination in seeking counseling, health care, and other campus services.

Transgender students at GW have likewise experienced harassment and discrimination because of their gender identity or expression. The 2008 GW LGBT Campus Climate Survey found that self-identifying transgender students have encountered hostile remarks, felt physically unsafe in bathrooms, and experienced perceived discrimination from campus service providers.

One GW trans-identifying student responded, "I was told I was in the wrong bathroom and to get out when I was in a women's restroom. I chose that restroom even though I identify more closely with a male identity because I did not think it would be safe to enter a men's room." In addition, respondents asserted that "harassment from other students is not uncommon, especially in public areas" and transgender students experience "verbal harassment walking on the street" and remain "invisible or [not] acknowledged." The GW Trans Education and Action (TEA) student group asked that the LGBT Resource Center work with the Lerner Health and Wellness Center to establish gender-neutral changing facilities because many students did not feel comfortable or safe using either the men's or women's changing areas. Transgender students have also expressed dismay that gender-neutral bathrooms are not located in the Marvin Center, residence halls, or common buildings.

During the 2008 Allied in Pride/TEA Drag Ball, two performers were asked to leave the women's restroom in the Marvin Center because UPD had been contacted about "men in the women's bathroom." UPD initially asked the two performers to leave the restroom, but permitted them to stay after the performers refused. Students felt UPD did not have the proper knowledge of gender identity and expression protections to adequately handle the situation and contacted the Metropolitan Police Gay and Lesbian

Liaison Unit. UPD has since received training on provisions relating to gender identity and expression in the DC Human Rights Act. Many students felt their rights were threatened in this instance and questioned whether UPD and the university understood the gender identity and expression protections of the DC Human Rights Act.

The increased risk of violence and harassment to transgender students ought to compel the University to guarantee their protection with clear and concise language. The inclusion of gender identity or expression in the GW EEOP will send an unequivocal message of support to these students who often feel they are not a full and integral part of the GW community. Ultimately, the recent issues that have arisen concerning gender identity and expression offers GW an opportunity to join with our prestigious universities around the nation by affirming a commitment to respect, safety and security of all students, faculty and staff.

The Absence of Gender Identity or Expression Language Jeopardizes Funding and Discourages Prospective Students

In 2008, GW Law faculty members Professor Naomi Cahn and Professor Donald Bramam sought funding from the Arcus Foundation for research into gay and lesbian parenting rights. Although Arcus was “favorably disposed” toward the proposed \$200,000 research project, they determined that GW was not eligible for the funding because GW has no gender identity non-discrimination clause in its EEOP.

Due to the lack of inclusion of gender identity or expression in GW’s EEOP, the faculty was forced to “channel the money through Yale University instead”. Yale, like most prominent universities in the United States, has an EEOP that covers actual or perceived gender identity and expression. Professor Bramam wrote,

“For now, we have resolved the issue by following [Arcus’] advice, but the costs, monetary and otherwise, are significant. Our already overwhelmed collaborator at Yale is, for now, graciously taking up the burden of submission and administration; but I’m sure you will agree that while it’s embarrassing to ask colleagues at other institutions to do one’s work, the reason for doing so in this case is especially humiliating for us and for the University. Moreover, we expect the Arcus Foundation to be an ongoing source of funding for our research and would strongly prefer not to have to ask Yale to handle the funding in the future. And, of course, while the principal motivation for reform on this issue shouldn’t be money, the loss in indirects to the University on this grant and others like it will be substantial.”

In addition to this type of funding, GW may also increase the risk of losing prospective transgender students due to the exclusion of gender identity and expression in the EEOP. The 2008 GW LGBT Campus Climate Survey also found anecdotal evidence that students had “second thoughts” about coming to GW due to the lack of, or perceived lack of, inclusiveness and public nurturance for the LGBT community.

Adding gender identity or expression to the EEOP could open up funding streams for timely and important LGBT-specific research at GW and assure prospective transgender students that GW is a welcoming and supportive campus environment.

Major Institutions Include Gender Identity or Expression in Non-Discrimination Policies/EEOP

In amending our EEOP to include gender identity or expression, GW would be joining more than 260 colleges and college systems that have changed their policies in the last decade. These institutions include many local-area schools, such as American University and Georgetown University. According to the Transgender Law and Policy Institute, the following colleges or universities include gender identity or expression in their non-discrimination/EEOP policies:

Arizona

Arizona State University [4 campuses] (2004)

- Arizona State University, Downtown Phoenix campus
- Arizona State University, Polytechnic campus (Mesa)
- Arizona State University, Tempe campus
- Arizona State University, West campus (Phoenix)

University of Arizona [2 campuses] (2005)

- University of Arizona, South campus (Sierra Vista)
- University of Arizona, Tucson

California

California College of the Arts

California Institute of Integral Studies

California Institute of Technology (2004)

California State University, Chico (2008)

California State University, Long Beach

City College of San Francisco (2005)

Foothill-DeAnza Community College District (2006)

Harvey Mudd College (2005)

Humboldt State University (2008)

Occidental College (2006)

San Diego State University (2008)

San Jose State University

Stanford University (2007)

University of California system [10 campuses] (2004)

- University of California, Berkeley
- University of California, Davis
- University of California, Irvine
- University of California, Los Angeles
- University of California, Merced
- University of California, Riverside
- University of California, San Diego
- University of California, San Francisco
- University of California, Santa Barbara
- University of California, Santa Cruz

University of San Francisco (2006)

University of Southern California (2004)

Colorado

Johnson and Wales University, Denver

University of Denver (2007)

Connecticut

Connecticut College (2005)

Wesleyan University (2002)

Yale University (2006)

Florida

Johnson and Wales University, North Miami

New College of Florida (2006)

Georgia

Emory University (2007)

Illinois

Illinois Institute of Technology

Knox College (2001)

Parkland College (2006)

Richland Community College

Roosevelt University [2 campuses] (2006)

-- Roosevelt University, Chicago

-- Roosevelt University, Schaumburg

University of Chicago (2004)

University of Illinois system [3 campuses] (2005)

-- University of Illinois, Chicago

-- University of Illinois, Springfield

-- University of Illinois, Urbana-Champaign

Western Illinois University

Indiana

DePauw University (1999)

Iowa

Central College (2005)

Drake University (2004)

Grand View University

Iowa State University (2005)

Northwest Iowa Community College

Southwestern Community College (2003)

University of Iowa (1996)

Kansas

Kansas State University (2008)

Kentucky

University of Louisville (2008)

Maine

Colby College (2005)

Maine Media College (2000)

University of Maine system [7 campuses] (2006)

-- University of Maine, Augusta

-- University of Maine, Farmington

-- University of Maine, Fort Kent

-- University of Maine, Machias

-- University of Maine, Orono

-- University of Maine, Presque Isle

-- University of Southern Maine

Maryland

Goucher College (2006)
Johns Hopkins University (2005)
University of Baltimore (2006)

Massachusetts

Brandeis University (2006)
Bridgewater State College (2007)
Fitchburg State College (2007)
Framingham State College (2007)
Harvard University (2006)
Holyoke Community College (2006)
MGH Institute of Health Professions (2007)
Massachusetts College of Art (2007)
Massachusetts College of Liberal Arts (2007)
Massachusetts Institute of Technology (2003)
Massachusetts Maritime Academy (2007)
Salem State College (2007)
Suffolk University (2006)
Tufts University (2005)
Western New England College (2006)
Westfield State College (2007)
Williams College (2006)
Worcester State College (2007)

Michigan

Delta College (2007)
Eastern Michigan University (2007)
Grand Valley State University (2008)
Kalamazoo College (2000)
Kalamazoo Valley Community College (2005)
Lewis College of Business
Michigan State University (2007)
Olivet College (2006)
University of Michigan [3 campuses] (2007)
 -- University of Michigan, Ann Arbor
 -- University of Michigan, Dearborn
 -- University of Michigan, Flint
Western Michigan University (2006)

Missouri

Washington University in St. Louis (2007)

New Hampshire

Dartmouth College (2006)
Plymouth State University (2007)
University of New Hampshire (2005)

New Jersey

Kean University (2007)
Princeton University (2006)
Richard Stockton College
Rutgers University [3 campuses] (2008)

- Rutgers University, Camden
- Rutgers University, Newark
- Rutgers University, New Brunswick

New Mexico

- College of Santa Fe (2005)
- New Mexico Institute of Mining and Technology
- New Mexico State University (2006)
- University of New Mexico [5 campuses] (2007)
 - University of New Mexico, Albuquerque
 - University of New Mexico, Gallup
 - University of New Mexico, Los Alamos
 - University of New Mexico, Taos
 - University of New Mexico, Valencia

New York

- Bard College (2007)
- City University of New York system [17 colleges] (2002-03)
 - Bernard M. Baruch College
 - Borough of Manhattan Community College
 - Bronx Community College
 - Brooklyn College
 - The City College
 - College of Staten Island
 - Hostos Community College
 - Hunter College
 - John Jay College of Criminal Justice
 - Kingsborough Community College
 - LaGuardia Community College
 - Lehman College
 - Medgar Evers College
 - New York City College of Technology
 - Queens College
 - Queensborough Community College
 - York College
- Columbia University (2006)
- Cornell University (2005)
- Ithaca College (2006)
- New York University (2005)
- Rochester Institute of Technology (2005)
- Sarah Lawrence College (2006)
- Syracuse University (2005)
- Vassar College (2006)
- Wells College (2007)

North Carolina

- Duke University (2007)
- Guilford College
- Johnson and Wales University, Charlotte
- North Carolina State University (2005)
- University of North Carolina, Chapel Hill (2008)

Ohio

- Baldwin-Wallace College (2008)
- Case Western Reserve University (2006)
- Miami University (2007)

Oberlin College (2008)

Ohio State University [5 campuses] (2004)

- Ohio State University, Columbus
- Ohio State University, Lima
- Ohio State University, Mansfield
- Ohio State University, Marion
- Ohio State University, Newark

Ohio University [6 campuses] (2006)

- Ohio University, Athens
- Ohio University, Chillicothe
- Ohio University, Eastern campus (St. Clairsville)
- Ohio University, Lancaster
- Ohio University, Southern campus (Ironton)
- Ohio University, Zanesville

University of Toledo (2007)

Wright State University (2008)

Youngstown State University (2007)

Oregon

Oregon State University [2 campuses] (2005)

- Oregon State University, Cascades campus (Bend)
- Oregon State University, Corvallis

Portland State University (2008)

University of Oregon (2005)

Pennsylvania

Bucknell University (2006)

Carnegie Mellon University (2003)

Lehigh University (2003)

Moravian University (2006)

Muhlenberg College (2005)

Peirce College

Pennsylvania State University [20 campuses] (2006)

- Penn State, Abington
- Penn State, Altoona
- Penn State, Beaver
- Penn State, Berks
- Penn State, Brandywine
- Penn State, DuBois
- Penn State, Erie
- Penn State, Fayette
- Penn State, Greater Allegheny
- Penn State, Harrisburg
- Penn State, Hazleton
- Penn State, Lehigh Valley
- Penn State, Mont Alto
- Penn State, New Kensington
- Penn State, Schuylkill
- Penn State, Shenango
- Penn State, University Park
- Penn State, Wilkes-Barre
- Penn State, Worthington Scranton
- Penn State, York

Swarthmore College (2007)

University of Pennsylvania (2003)

University of Pittsburgh (2008)

Rhode Island

Brown University (2001-02)

Bryant University (2005)

Community College of Rhode Island

Johnson and Wales University, Providence

Rhode Island College

University of Rhode Island [4 campuses] (2003-04)

- University of Rhode Island, W. Alton Jones campus
- University of Rhode Island, Kingston
- University of Rhode Island, Narragansett Bay
- University of Rhode Island, Providence

Tennessee

University of Tennessee, Knoxville

Vanderbilt University (2008)

Texas

Rice University (2006)

University of Texas, Austin (2008)

Vermont

Bennington College

Champlain College (2008)

Goddard College (2007)

Green Mountain College (2008)

Marlboro College (2008)

Middlebury College (2003)

Norwich University (2007)

Saint Michael's College

Vermont Technical College

University of Vermont (2005)

Washington

Central Washington University (2005)

Clark College

Evergreen State College (2006)

Seattle University

University of Puget Sound (2002-03)

Washington State University [4 campuses] (2007)

- Washington State University, Pullman
- Washington State University, Spokane
- Washington State University, Tri-Cities
- Washington State University, Vancouver

Western Washington University (2008)

Whitman College (2001)

Washington, DC

American University (2002)

Georgetown University (2008)

Wisconsin

University of Wisconsin system [26 campuses] (2005)

- University of Wisconsin, Baraboo/Sauk County
- University of Wisconsin, Barron County
- University of Wisconsin, Eau Claire

- University of Wisconsin, Fond Du Lac
- University of Wisconsin, Fox Valley
- University of Wisconsin, Green Bay
- University of Wisconsin, La Crosse
- University of Wisconsin, Madison
- University of Wisconsin, Manitowoc
- University of Wisconsin, Marathon County
- University of Wisconsin, Marinette
- University of Wisconsin, Marshfield/Wood County
- University of Wisconsin, Milwaukee
- University of Wisconsin, Oshkosh
- University of Wisconsin, Parkside
- University of Wisconsin, Platteville
- University of Wisconsin, Richland
- University of Wisconsin, River Falls
- University of Wisconsin, Rock County
- University of Wisconsin, Sheboygan
- University of Wisconsin, Stevens Point
- University of Wisconsin, Stout
- University of Wisconsin, Superior
- University of Wisconsin, Washington County
- University of Wisconsin, Waukesha
- University of Wisconsin, Whitewater

Viterbo University

GW Student, Faculty, and Staff Support

On January 28th, 2009 the GW Student Senate passed Senate Resolution S09-03 unanimously (**See Page 18**). The purpose of the resolution was to ensure that the University would not permit discrimination on the grounds of actual or perceived sex, race, color, religion, national origin, disability, sexual orientation or identity, ***actual or perceived gender identity or expression***, or any other illegal basis in any University-recognized area of student life.

The unanimous passage of the resolution sends an unwavering message of support for the inclusion of gender identity or expression in GW's EEOP. This message of support, directly from this democratically-elected student body, can be seen as nothing less than the GW student population's profound sense of urgency and cultural competency regarding this salient issue.

In addition to GW SR-S09-03, GW's Lambda Legal presented a similar resolution to the Faculty Senate (**See Page 19**). The resolution was never discussed by the Faculty Senate and no vote was held. There remains a growing, vocal majority of faculty, staff, and students who fervently believe in the inclusiveness of gender identity or expression in the GW EEOP.

Ultimately, this growing, vocal majority of the GW community believes that this inclusiveness must be nurtured and celebrated in all areas of GW campus life. Altering the GW EEOP would demonstrate that the GW administration truly values the dynamism and progressive outlook of its student body. This policy change is a tangible and viable opportunity for GW to play a crucial role in the advancement of equal rights, and acknowledge our continued commitment to achieving our mission.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT 2

Policy/Procedures

The George Washington University does not unlawfully discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation. This policy covers all programs, services, policies, and procedures of the University, including admission to education programs and employment. The University is subject to the District of Columbia Human Rights Act.

Inquires concerning the application of this policy and federal laws and regulations concerning discrimination in education or employment programs and activities may be addressed to: Director, Equal Employment Opportunity, The George Washington University, Washington, D.C. 20052, (202) 994-9656; to the Assistant Secretary for Civil Rights of the U.S. Department of Education; or to the Director of the U.S. Equal Employment Opportunity Commission/Washington Field Office.

To request disability accommodations, students should contact the Office of Disability Support Services, (202) 994-8250 (TDD/voice), and employees should contact the Office of Equal Employment Opportunity, (202) 994-9656 (voice) or (202) 994-9650 (TDD).

Statement of Student Rights and Responsibilities

Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The University has a duty to develop policies and procedures that provide and safeguard this freedom.

The George Washington University believes that the procedures, rights, and safeguards outlined below are indispensable to achieving the goals desired -- freedom to teach, to learn, and to search for truth.

I. Basic Assumptions

A. Freedom of Expression

Student organizations and individual students shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it shall be made clear to the academic and the larger community that in their public expressions or demonstrations the students or student organizations speak only for themselves.

The students have the rights and responsibilities of a free academic community. They shall respect not only their fellow students' rights but also the rights of other members of the academic community to free expression of views based on their own pursuit of the truth and their right to function as citizens independent of the University.

B. Freedom from Discrimination

The University will not permit discrimination on grounds of sex, race, color, religion, national origin, disability, sexual orientation or identity, or any other illegal basis in any University-recognized area of student life. Additionally, all areas of student life are subject to the provisions of the District of Columbia Human Rights Act. However, those campus organizations that are essentially and avowedly social fraternal groups may limit membership on the basis of sex; those campus organizations that are essentially and avowedly sectarian may limit membership on the basis of religion.

Discrimination and Harassment Prohibited in the Workplace

The University expects all employees to treat each other with fairness and respect. Discrimination or harassment based on race, religion, color, gender, sexual orientation, age, national origin, disability, or as otherwise provided under District of Columbia, state or local law, is strictly prohibited and will not be tolerated. Discrimination and harassment of this type is illegal and contrary to University policy.

All allegations of discrimination, harassment, or complaints of unequal treatment should be taken seriously and brought to the attention of the Office of Equal Employment Opportunity (EEO). Employees who believe that they are experiencing any type of unlawful discrimination or harassment should bring their concerns to the attention of their supervisors, the Director of the Office of Equal Employment Opportunity (EEO), or any member of management.

Retaliation in any form against an employee who complains of discrimination or harassment is strictly prohibited and will result in appropriate disciplinary action for the party found to have retaliated against the employee.

Any supervisor who fails to take appropriate steps to help investigate, process, or resolve a complaint of harassment may be subject to discipline.

SR-S09-03

SENATE RESOLUTION

"Non-Discrimination Compliance Act"

SR-S09-03

Committee: Student Life

SPONSOR: Stephanie Benedict (FY-NV), Bianca Garcia (ESIA-G), Michael R. Komo (CCAS-U), Michelle Tanney (CPS)

CO-SPONSORS:

PURPOSE: To ensure that the University will not permit discrimination on grounds of actual or perceived sex, race, color, religion, national origin, disability, sexual orientation or identity, gender identity or expression, or any other illegal basis in any University-recognized area of student life.

WHEREAS the exclusion of "...actual or perceived..." and "...gender identity and expression..." in the University's non-discrimination policy is inconsistent with the D.C. Human Rights Act; and

WHEREAS such exclusion has prevented transgender students from being afforded the same protection under GW's non-discrimination policy.

BE IT RESOLVED that The George Washington University Student Association supports the inclusion of "...actual or perceived..." and "...gender identity and expression..." in GW's non-discrimination policy.

RESOLUTION TO AMEND THE UNIVERSITY NON-DISCRIMINATION POLICY TO REMOVE 'UNLAWFULLY' IN ORDER TO GIVE IT SUBSTANTIVE MEANING

WHEREAS, the current non-discrimination policy states only that the University will “not discriminate *unlawfully* on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation”. This statement represents no commitment beyond complying with the law, is purely symbolic with no substantive meaning, and is therefore not a meaningful non-discrimination policy.

WHEREAS, the University has an intellectual and moral duty to foster a diverse, tolerant, respectful and nurturing academic environment that affirms the inherent worth and dignity of every individual, values them for their uniqueness and difference, encourages them to reach their own potential, stimulates creativity, intellectual growth, and openness to new ideas, broadens intellectual discourse, and enriches and strengthens an increasingly diverse and multi-cultural society.

WHEREAS, by adopting a substantive, meaningful non-discrimination policy, the University declares a commitment to foster and strengthen a diverse, tolerant, multi-cultural and intellectually open community with equal opportunity for all, and a duty to protect racial, ethnic, religious, sexual, and other minorities whose unique culture, experience, and beliefs should not only be protected, but nurtured and encouraged.

WHEREAS, the University's student body is below average in racial diversity when compared to market basket schools (Duke, Northwestern, NYU, American, Georgetown, Emory, Boston College, Virginia, and Maryland). According to 2006 enrollment statistics, only 9.8 percent of the student body is Asian, only 5.9 is African American, and only 5.4 percent is Hispanic.

WHEREAS, by adopting a substantive, meaningful non-discrimination policy, the University will better attract the brightest and most diverse faculty and student body that will allow it to become a stimulating and open intellectual community, and to foster the most creative, diverse, and original research and scholarship.

WHEREAS, no top-ten national university has undercut the meaning of their non-discrimination policies by declaring merely that they do not discriminate “unlawfully”, or only when it is “unlawful”. In fact, the vast majority do not base their policies on legality at all, but rather are principled statements dedicated to nurturing the most diverse and talented intellectual communities, free from all forms of discrimination.

WHEREAS, the George Washington University non-discrimination policy should be a clear, unequivocal statement of principle that the University is committed to fostering tolerance, sensitivity, mutual understanding, and respect for difference in order to create the most vibrant, creative, and diverse intellectual community possible, and in pursuit of this ideal will support affirmative action and equal opportunity, and will not discriminate based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity or expression.

NOW THEREFORE BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY, that the following policy will be adopted:

"The George Washington University supports diversity through affirmative action and is committed to a policy of nondiscrimination and equal opportunity for all persons regardless of race, color, religion, sex, gender identity or expression, sexual orientation, national origin, age, disability, or veteran status. This policy covers all programs, services, policies, and procedures of the University including admission to education programs and employment. The University is subject to the District of Columbia Human Rights Act and all other applicable laws.

Note: The United States military legally discriminates against gay, lesbian, and bisexual individuals. However, after careful consideration and under threat of loss of federal funding under the Solomon-Pombo Amendment, the University will continue to allow access to its facilities by military recruiters and the Reserve Officer Training Corps, while emphatically rejecting the military's discriminatory policy as inconsistent with its own."

April 22, 2009

To Whom It May Concern –

As faculty members and students at the George Washington University we are writing to express our strong support for the addition of "gender identity or expression" to the GW Equal Employment Opportunity Policy as proposed by the Joint Committee of Faculty and Students. We believe that this change will benefit the entire GW community and promote a more diverse and tolerant campus climate. We encourage the Faculty Senate to act promptly to adopt this resolution.

We join Allied in Pride, Trans Education and Advocacy, GW Amnesty International, the Black Student Union, the College Democrats, the Political Satire Living and Learning Cohort, the Student Global AIDS Campaign, and several other student organizations in their quest to change the GW Equal Employment Opportunity Policy. We are completely behind this effort. We recognize the grave importance of this resolution.

On January 27, 2009, SA Senate Resolution S09-03, which changes the GW Equal Employment Opportunity Policy as well, passed unanimously in the Student Association Senate. The Senate resolution is extremely similar to the Joint Committee of Faculty and Students resolution, and we are completely backing this proposal. The GW Student Association and student body population are both supporting this initiative. This measure will ensure that we are both protecting transgender students and complying with the D.C. Human Rights Act. We realize that students on campus have been trying to change the GW Equal Employment Opportunity Policy for over five years. We believe that now is the right time more than ever to make this change. We appreciate your time and consideration in passing this resolution.

Sincerely,

Faculty

Elliot School of International Affairs
Prof. Paula Alonso

Columbian College of Arts and Sciences
Prof. Catherine Chandler
Prof. Paul Constantino
Prof. Eric Drown
Prof. Stephen Forssell
Prof. Christina Gee
Prof. Margaret Goglewski
Prof. Monika Harris
Prof. Elizabeth Kitsos-Kang
Prof. Randy Kristensen

Prof. Ami Lynch
Prof. David Malet
Prof. David McAleavey
Prof. Robert McRuer
Prof. Sherry Mollock
Prof. Bonnie Morris
Prof. Lynette Osborne
Prof. Paul Poppen
Prof. Rachel Reidner
Prof. Phyllis Ryder
Prof. Chet Sherwood
Prof. John Sides
Prof. Gustavo Guerra

Prof. David Truncellito
Prof. Sarah Warbelow
Prof. Abby Wilkerson
Prof. Eric Sean Williams
Prof. Zachary Wolfe
Prof. Christy Zink

Graduate School of Education and Human Development

Prof. Rick Jakeman
Prof. Billy Molasso
Prof. Ralph Mueller
Prof. Virginia Roach
Prof. Travis Wright

GW Law School
Prof. Donald Brame

Prof. Naomi Cahn
Prof. Alexa Freeman
Prof. Carol Izumi
Prof. Sarah Lawinsky
Prof. Cynthia Lee
Prof. Joan Shaffner
Prof. Christopher Yunkins

School of Engineering and Applied Sciences

Prof. Rachelle Heller
Prof. Bhagi Narahari

School of Media and Public Affairs

Prof. Mark Feldstein
Prof. Laurence Lipman

Students

Vishal Aswari
President, Student Association
Julie Bindelglass
President-Elect, Student Association
Jordan Chisolm
President, Black Student Union
Elizabeth Edwards
Co-President, Lambda Law
Josh Fischman
President, Sigma Nu Fraternity
Michael R. Komo
President, Allied in Pride
Michael Mort
Vice President, GW Amnesty International
Cory Struble
President, GW College Democrats
Kaden Trifilio
Liaison, Trans Education and Advocacy
Ben Williams

Co-President, Lambda Law
Emily Adams
Devin Alston-Smith
Arianna Ames
Kellan Baker
Jess Batter
Bren Belovarac
Tanya Choudhary
Leah Croughan
Jenna Curtis
Alina Czaplicki
Amy Dorfman
Dinora Fitzgerald
Christine Foltz
Kristen Gaerlan
Melissa Gindin
Ian Goldin
Kanika Gupta
Julia Haigney
Sarah Henke
Jessica Hoffman

Lauren Lacy
Sarah Leibach
Naomi Logan
Jessica Lopez
Sasha Madway
Kathleen McGinn
Pranita Mehta
Jami Mevorah
Allie Miller
Rohmteem Mokhtari
Stephen Muse
Elizabeth Nistico
Ben Pence
Nick Polk

Rachel Reynolds
Allie Rubin
Libby Sewell
Neha Shah
Tyler Stall
Jeremy Streitfeld
Michelle Tanney
Elisa Valjean
Jacob Warren
Adam Weiner
Veronica Weis
Peter Wentzell
Gabe Yessin

Protecting Transgendered Students at GWU
by Law Professor John Banzhaf

I write to set out several concerns - including those related to the need to draft proper and effective language - regarding the proposal about to be considered by the Faculty Senate to provide protection to GWU students (and perhaps also to staff and faculty) who are transgendered. I respectfully suggest that the issues should be resolved before any specific proposal is presented, much less voted on.

AUTHOR BACKGROUND: The author has won over 100 anti-discrimination legal proceedings involving discrimination based upon gender, as well as several based upon race, national origin, disability, age, etc. The author also spoke before the Faculty Senate to aid in its consideration of an earlier proposal [subsequently adopted] to add "sexual orientation" to the list of protected characteristics, and was similarly active with regard to the Senate's consideration of matters such as GWU's sexual harassment guidelines, university complaint procedures, etc.

PROPOSAL: As described in *The Hatchet*, the proposal about to be presented to the Faculty Senate would "add the words 'gender or identity expression' to GW's Student Code of Conduct nondiscrimination policy." There the phrase would join other categories like "sexual orientation" as to which discrimination is already proscribed. With all due respect to the drafters and supporters of the proposal, I would like to briefly suggest at least ten potential concerns.

FIRST, ironically, the proposed amendment might not provide any real protection in the situation which triggered it where, according to *The Hatchet*, a transgendered person seeking to join a sorority was allegedly harassed by the members. The reason is that GW's current policies regarding other similar categories - e.g., "sexual orientation" - target official policies, and actions by GWU officials, but do not seem to reach allegedly discriminatory actions by individual students.

Thus, individual members of a fraternity (for example) might not be prohibited from expressing dislike of a person based upon his sexual orientation or gender identity (or, for example, even his "color"), provided it didn't amount to "disorderly conduct." [See GWU Code of Student Conduct] GW's existing policies also apparently do not prohibit any fraternity brothers from individually deciding to vote against a pledge based on factors like sexual orientation, color, etc.

SECOND, it is not at all clear how such an amendment would answer a key concern raised by transgendered students at other universities, and in very similar legislation such as New Hampshire is now considering - restroom use. For example, a person who has male genitals, but adopts the gender identity of a female (e.g., wears a dress), today may experience adverse reactions from other male students when using a men's restroom.

If the proposed amendment would address that problem by permitting such a student to use the women's restrooms at GW, that specific problem might be eliminated, but some women who use the restroom might be concerned about an invasion of their own privacy.

Since the term "gender or identity expression" presumably also applies to transvestites/cross-dressers (including men wearing dresses who still consider themselves male and have male heterosexual

urges), that concern about invasion of privacy by voyeuristic males in a women's restroom might be ever greater.

THIRD, if the proposed amendment would permit persons with male genitalia to use a women's restroom, this might permit a typical male - e.g., one dressed and acting like a male - to use a women's restroom, since to permit transgendered males (but not other male students) this privilege arguably discriminates against the latter based upon their "gender or identity expression" as males.

Such a result might raise safety as well a privacy concerns for some women who might enter a women's room - at night or on weekends especially - and find a man there, since they could not then complain to campus security or other officials as they can now.

FOURTH: It is not clear how the proposed amendment would apply to sports activities. Whether or not an anatomic male who has adopted a female identity can play NCAA basketball on the GW women's rather than the men's team, or whether such a person could play NCAA volleyball at all (since GW has only a women's team), might (or might not) be determined by NCAA rules.

But the related issue of whether - if the proposal passes - such a student might demand to compete for a scholarship on a women's team, or be permitted to be a member of a women's team who never gets to play in formal NCAA competition, is not so clear. Similar issues might also be raised regarding GW's club sports teams (e.g., GW's separate men's and women's club soccer teams), intramural sports (which often have separate men's and women's team categories), etc.

FIFTH, protection against discrimination based upon "sexual orientation," as well as other traditional factors like race, appears in at least four different places in official University anti-discrimination policies - the "Statement of Student Rights and Responsibilities," the "University Policy on Equal Opportunity," our "Student Grievance Procedures," and the "Code of Student Conduct." [SEE ATTACHMENT]

But the Hatchet article says the proposal is to modify only the last of the four. Why add "gender or identity expression" to only one document, whereas "sexual orientation" is mentioned in all four, if the same type and level of protection from discrimination is intended?

Indeed, treating "gender or identify expression" in a different manner from "sexual orientation," "disability," etc. in University documents would suggest - under general rules for construing legal documents - that a different result and a very different type or level of protection is intended and required.

SIXTH, the "Code of Student Conduct" - which lists actions for which students can be disciplined - does not prohibit discrimination itself (whether based on race, sexual orientation, etc.) as a separate punishable offense, but rather only if it motivates "violence," "disorderly conduct," etc.

So even if "gender or identity expression" is added to existing categories like "sexual orientation," it is not clear that "harassment" [the broad and general term used by The Hatchet] which falls short of "disorderly conduct" would be prohibited, even if the proposal were adopted.

In other words, a student who openly avoids another student and/or makes remarks which might seem to be disparaging or even insulting may not be subject to discipline if the conduct doesn't rise to the level of "violence" or "disorderly conduct" - even if it were motivated by animus towards the transgendered student.

SEVENTH, the Statement of Student Rights and Responsibilities already says that "The University will not permit discrimination on grounds of sex, race, color, religion, national origin, disability, sexual orientation or IDENTITY, or any other ILLEGAL BASIS in any University-recognized area of student life." [emphasis added]

Since discrimination based upon "sexual identity" is already prohibited, why is there a need to add new language to protect against discrimination based upon "gender or identity expression" (which appears to be identical to "sexual identity")?

EIGHTH, as noted above, the Statement of Student Rights and Responsibilities, as well as the University Policy on Equal Opportunity, by its express terms prohibits only discrimination which is "illegal" or "unlawful."

This important distinction and limitation seems to be required because GWU has ROTC and other similar military units on campus, and the military does discriminate on the basis of "sexual orientation" - although its discrimination in this regard is not illegal. It appears that they also discriminate on the basis of "gender or identity expression" in the sense that an anatomical male who has adopted a female persona and appearance would - like those who are openly homosexual - not be welcomed.

Thus, since discrimination against transgendered people is not illegal or unlawful in Virginia, it is not clear that the amendment as now proposed would provide protection on GWU's Virginia campuses.

NINTH: If the proposal is adopted based upon certain understandings regarding some of the issues raised in this document, it is respectfully suggested that these understandings be set forth expressly in the words of the policies, rather than simply being contained in minutes of the meeting of the Faculty Senate.

The purpose of having clear written university policies is to put everyone on notice of what should and should not be done, so that minutes of meetings long since past, or the memories of those who were involved, do not have to be consulted to ascertain what a university policy is. There is clear precedent for expressly setting forth any exceptions or limitations in GW ant-discrimination policies.

For example, our Statement of Student Rights and Responsibilities clearly lays out two limitations on the scope of the anti-discrimination protections. It notes: "However, those campus organizations that are essentially and avowedly social fraternal groups may limit membership on the basis of sex; those campus organizations that are essentially and avowedly sectarian may limit membership on the basis of religion."

Similarly, if this new proposal passes with certain understandings, they should be spelled out. For example, "the protection afforded based upon 'gender or identity expression' shall not affect nor apply to the use of gender-specific restrooms nor membership on sports teams."

TENTH: It is very important, in drafting language related to this proposed change, to craft it very carefully and precisely for several reasons.

For example, students who are charged with an alleged act of discrimination against a transgendered student can successfully defend against the charge if the conduct sought to be prohibited is not spelled out very clearly in a written university policy.

In other words, discipline for conduct not clearly proscribed in a document listing the offenses for which discipline can be imposed could easily provoke a law suit against the University, and even against individuals at the University who participated in the disciplinary process.

Also, courts are increasingly concluding that university documents - including not only official policies, but also even statements in catalogs - can create a binding legal contract between the student and the university. Thus a transgendered student who come to GWU could claim that a fair reading of the University's policies created a "reasonable expectation" that his novel needs regarding restrooms would be met and/or that he would be able to play on female sports teams, etc.

Such a position might be bolstered by arguments related to so-called "contracts of adhesion" - defined as contracts where the terms are written by one party, and the other party has little if any ability to alter them. In such situations, courts will often "construe the contract strictly against the maker" by adopting any plausible construction offered by the weaker party, since the stronger party which dictated the terms had the power to avoid ambiguities in the first place by writing the terms more clearly.

In this regard, note that the Faculty Senate should be careful to write language so clear that such suits are virtually precluded, rather than simply ultimately winnable by the University. Even law suits which the University ultimately wins can be expensive, subject university employees to pre-trial discovery and harassment, result in very unfavorable publicity for the University, etc.

SUMMARY AND RECOMMENDATIONS:

Although the addition of the words "gender or identity expression" may not accomplish all that its proponents argue it will, the author sees no reason why the phrase should not be added to the list of protected categories set forth in University documents. Moreover, it logically should appear every place the closely-related phrase "sexual orientation" now appears. This could be accomplished by the following motion:

MOTION A: I move that the words "or gender or identity expression" be added immediately after the words "sexual preference" (after removing the "or" prior to "sexual preference") in the University Policy on Equal Opportunity, University Policy on Equal Opportunity, and the Code of Student Conduct, and that the words "gender or identity expression" replace the word "identity" in

the Statement of Student Rights and Responsibilities.

On the other hand, there are important and complex issues not yet explored involved in concerns about the proper restrooms for transgendered people to use, and what sports terms they may be eligible to play on.

Therefore the author suggest that it be made very clear that any transgender amendment does not apply to or otherwise affect these two concerns, but that - if desired - these issues could be considered separately by some appropriate body and brought to the Senate as separate proposals at some appropriate future time. This could be accomplished by the following motion:

MOTION B: I move that the following sentence be added at the end of the Statement of Student Rights and Responsibilities; I.B. Freedom from Discrimination: "Moreover, nothing in this Statement, nor in other University policies related to discrimination, shall apply to separate men's and women's restrooms or sports teams."

FOR THE READER'S CONVENIENCE, RELEVANT SECTIONS OF FOUR DIFFERENT UNIVERSITY DOCUMENTS ARE SET FORTH BELOW.

ALL OF THESE UNIVERSITY DOCUMENTS CAN BE ACCESSED BY CLICKING ON:
<http://gwired.gwu.edu/dos/GuidetoStudentRights/>

CORRESPONDING PROVISIONS OF THE DC HUMAN RIGHTS ACT CAN BE ACCESSED BY CLICKING ON: <http://ohr.dc.gov/ohr/cwp/view,a,3,q,491858,ohrNav,30953|.asp>

Statement of Student Rights and Responsibilities

I.B. Freedom from Discrimination

The University will not permit discrimination on grounds of sex, race, color, religion, national origin, disability, sexual orientation or IDENTITY, or any other illegal basis in any University-recognized area of student life. Additionally, all areas of student life are subject to the provisions of the DC Human Rights Act. However, those campus organizations that are essentially and avowedly social fraternal groups may limit membership on the basis of sex; those campus organizations that are essentially and avowedly sectarian may limit membership on the basis of religion.

University Policy on Equal Opportunity

The George Washington University does not unlawfully discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation. This policy covers all programs, services, policies, and procedures of the University, including admission to education programs and employment. The University is subject to the District of Columbia Human Rights Act.

Student Grievance Procedures

I. General

These grievance procedures are promulgated to provide a channel for resolution of the grievances of students who feel they have been discriminated against on the basis of sex, race, color, religion, age, national origin, disability or sexual orientation in any of the policies, procedures, programs, or activities of or by any individual employed by or acting in an official capacity for The George Washington University.

Code of Student Conduct

Prohibited Conduct

11. Violence of any kind will not be tolerated on or off University premises or at University-sponsored activities. Any student, group, or organization found to have committed misconduct is subject to disciplinary action and to the sanctions outlined in this "Code". Attempts to commit any of these acts of misconduct are included in the scope of these definitions. The following are examples of misconduct subject to disciplinary action (subject to the provisions of Article 5):

s. Disorderly Conduct - Acting in a manner to annoy, disturb, interfere with, obstruct, or be offensive to others; shouting or making excessive noise either inside or outside a building to the annoyance or disturbance of others; verbally abusing University officials acting in performance of their duties; or acting in a lewd or indecent manner.

u. Discrimination - Committing any of the above acts because of a person's race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation.

PUNISHMENT: u. Discrimination: Will not have a separate, minimum sanction since it only will be charged in conjunction with charges or other prohibited conduct as an aggravating circumstance to be considered in imposing sanctions for another violation.

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**A RESOLUTION TO RECOMMEND MODIFICATION OF THE UNIFIED
BUDGET MODEL (09/2)**

WHEREAS, the Administration has adopted the "Unified Budget Model" (UBM) and that model is playing a significant role in determining the funding for, and strength of, academic programs in the various Schools of the University;

WHEREAS, the UBM specifically claims that "(o)nly those activities that a school can control are included in determining the budgeted margin" and has interpreted that control to refer to the "continuing undergraduate students enrolled in a school's on-campus programs during the academic year", so that, for example, "under the Unified Budget Model, no tuition revenue is allocated to one school for teaching students enrolled in other schools";

WHEREAS, these two provisions of the UBM are incompatible with an environment where students should not be impeded in seeking inter-school majors and minors which require the resources and attention of at least two schools and which schools could control by denying students access to these interschool majors and minors and course enrollment;

WHEREAS, the current system provides an undesirable financial incentive for departments and faculty to discriminate among students majoring in the same subject based on the school in which they are enrolled;

WHEREAS, the *Faculty Code* Section IX.A. entitles faculty to "an active role ..." including "an opportunity to make recommendations" when budgetary decisions under schemes such as the UBM have substantial implications for the strength and continuation of academic programs, the welfare of students, and the teaching and learning environment; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the potentially dysfunctional provision of the UBM be eliminated by amending the provisions in the "Closing Out the Budget at Year End" sections (pages 3 and 4) of the current Unified Budget model to provide for equal division of tuition revenue from undergraduate students based on their declared candidacy for majors offered by the various schools rather than based solely on school of enrollment. This recommended change is to take effect in fiscal year 2010.

Committee on Fiscal Planning and Budgeting
April 21, 2009